CITY OF MERCED Planning & Permitting Division

STAFF REPORT: #12-14 AGENDA ITEM: 4.1

FROM: Kim Espinosa, PLANNING COMMISSION

Planning Manager MEETING DATE: Aug. 22, 2012

PREPARED BY: Julie Nelson, CITY COUNCIL

Planner MEETING DATE: Oct. 1, 2012

(Tentative)

SUBJECT:

Zoning Ordinance Amendment #12-01, initiated by the City of Merced. This ordinance is intended to specify minimum lot width requirements in certain zoning districts, add two new zoning districts, Commercial—Shopping District (C-SC) and Public Parking District (P-PK), delete the Urban Renewal (U-R) zoning district, and add new definitions to the zoning ordinance for "bar," "church," "cocktail lounge or lounge," "dance hall," "drive-in restaurant," "fast-food restaurant," "nightclub," "restaurant," and "tavern." *PUBLIC HEARING*

ACTION: PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #12-19 (Categorical Exemption)
- 2) Zoning Ordinance Amendment (ZOA) #12-01

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #12-19 (Categorical Exemption)
- 2) Zoning Ordinance Amendment (ZOA) #12-01

SUMMARY

The proposed Ordinance Amendment will add two new zoning districts, delete one zoning district, and add new definitions to the zoning ordinance for specific types of uses. The addition of two new zoning districts will facilitate the development of commercial shopping centers, particularly in South Merced, by clarifying the zoning and ensuring that public parking facilities remain public parking facilities in the future.

The creation of the Commercial-Shopping District (C-SC) will help encourage the development of shopping centers that will provide shopping to serve the surrounding residential neighborhood as well as area and regional shopping needs. The Public Parking District provides a zoning district for parking lots that are available for use by the public at no cost. The addition of various definitions is a result of our current ordinance either lacking certain definitions or definitions being outdated. The Urban Renewal district is no longer used and is, therefore, proposed to be deleted. The proposed Draft Ordinance can be found at Attachment C.

RECOMMENDATION

Planning staff recommends that the Planning Commission recommend approval of Environmental Review #12-19 (Categorical Exemption) and Zoning Ordinance Amendment #12-01 (including the adoption of the Resolution at Attachment E) as proposed in Findings A through F below.

BACKGROUND

The creation of two new zoning districts will allow the City to ensure certain uses are developed or maintained in areas that have been designated for such use by plans adopted by the former Redevelopment Agency. The zoning districts will provide the tools needed for the City to further its vision for the development of property previously owned by the Redevelopment Agency and to continue the existing uses in some areas.

The need to amend several definitions in the Zoning Ordinance has evolved through the years as staff has encountered a number of uses that either have an outdated definition or no definition at all in our ordinance. This amendment is intended to provide these definitions to help reduce the need for staff interpretation and to make it easier for the general public to understand and apply the zoning ordinance.

DISCUSSION AND FINDINGS

SECTION 1. AMENDMENT TO CODE. Section 20.18.020, "Purposes."

A) This section is being amended to add the Commercial – Shopping District (C-SC) to the list of commercial districts for which the "purpose" of the district is described.

SECTION 2. AMENDMENT TO CODE. Section 20.18.030

B) This section is being amended to add the lot width for the proposed Commercial – Shopping District (C-SC). The minimum lot width for this zone would be 300 feet.

SECTION 3. ADDITION TO CODE. Chapter 20.25, "C-SC District"

C) This section is added to describe the Commercial – Shopping District (C-SC). This section identifies the purpose, permitted uses, accessory uses, signs, conditional uses, height regulations, yard requirements, additional conditions, and prohibited uses. This zoning district is very similar to the Neighborhood Commercial (C-N) zone and has the same requirements for accessory uses, signs, height, and yard requirements as the C-N zone.

The purpose of this zoning designation is "to provide a center for shopping that will serve the surrounding residential neighborhoods as well as area and regional shopping needs. New C-SC districts shall have a minimum area of five acres."

The addition of the Commercial-Shopping (C-SC) District allows the City to zone properties that were previously owned by the Redevelopment Agency or others and intended for commercial development to serve surrounding neighborhoods as envisioned by the Redevelopment Agency. In addition, this new designation will provide the City

with an additional tool to help achieve goals established by the *Martin Luther King, Jr. Way Revitalization Plan* of having a grocery store and shopping center in South Merced that provides not only groceries, but other needed services such as banking and other personal services. The intent of the Commercial Shopping (C-SC) District is to provide similar services to a Neighborhood Commercial (C-N) zone, but on a larger scale and to a broader range of people. The C-N zone encourages some of the same uses, but these uses are more likely to be spread out and are typically not on as large a scale as would be required in the C-SC zone.

Permitted uses include:

- Shopping center that includes a minimum of five thousand (5,000) square feet devoted to the sale of groceries (not counting square footage devoted to alcohol and alcohol related products, the sale of which requires a conditional use permit).
- Supermarket, super grocery store.
- Retail use of twenty thousand (20,000) square feet or more that has a minimum of twenty-five percent (25%) of its floor space devoted to sale of groceries (not counting floor space devoted to alcohol and alcohol related products).
- Any other retail business which is determined by the Planning Commission to be of the same general character as the above permitted retail business uses.

Accessory uses include:

Accessory buildings and uses customarily appurtenant to a permitted use, such as an incidental storage facility, garage, or off-street parking area.

Signs:

The sign regulations for the C-SC district shall be the same as those for the C-N district that are specified in Section 20.22.40. For details on the signs allowed in this zone, please refer to Attachment A.

Conditional Uses:

- Restaurant or café, which includes the sale of liquor beer, or other alcoholic beverages by the glass, or for the consumption on the premises; provided however, that a drive-in restaurant or a restaurant with a drive-through window or windows are specifically prohibited in a C-SC zone.
- Sidewalk café.

Height

No principal or accessory building shall exceed two and one-half (2 ½) stories or thirty five (35) feet.

Yard Requirements

The following are the yard minimum requirements for this zone:

- Lot area (in square feet): Thirty Five Thousand (35,000).
- Yards:
 - Exterior (in feet): Twenty (20)
 - Interior (in feet): None, except when abutting an R district, then not less than twenty (20) feet.

Additional Conditions:

- In any C-SC district which is across a street or thoroughfare from any R district, or any district designated for future residential use in the Merced General Plan, the parking and loading facilities shall maintain an average distance of at least eight (8) feet from the street and structures at least thirty-five (35) feet from the street;
- Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises;
- Off-street loading and parking as required in Chapter 20.58; and,
- Site plan approval of all conditional uses as required in Chapter 20.68.

Prohibited Uses:

- Retail business of twenty thousand (20,000) square feet or less selling alcoholic beverages for off-site consumption that does not include a minimum of five thousand (5,000) square feet or more devoted to groceries (not including alcohol and alcohol-related products);
- Drive-in restaurant;
- Restaurant with a drive-through window or windows;
- Public or quasi-public uses;
- Auto service station;
- Residential uses (unless part of a mixed use project in which the residential uses are located over a commercial use);
- Convenience market with gasoline sales;
- Convenience market without gasoline sales;
- Social hall, lodge, fraternal organizations and clubs;
- Church; or,
- Public utility uses, substations, and communication equipment buildings.

SECTION 4. AMENDMENT TO CODE. Chapter 20.40, currently entitled "U-R District" is being renamed the "Public Parking District."

D) This section is added to describe the Public Parking District (P-PK). This section identifies the purpose, permitted uses, accessory uses, signs, conditional uses, height regulations, yard requirements, additional conditions, and prohibited uses. Because the Urban Renewal (U-R) zone is not used and staff does not anticipate there being an area with this designation, this section is being amended to change the district from the U-R zone to the Public Parking District (P-PK) zone.

The City, Redevelopment Agency, Public Financing and Economic Development Authority, and Parking Authority own or have owned a number of public parking facilities, generally located throughout the downtown area. If the state and ultimately a court determines that any of these public parking facilities are assets of the former Redevelopment Agency and must be sold for the benefit of the state and other taxing entities, the current Central Commercial (C-C) zoning of these properties could allow for development of the properties and creation of a parking problem to the detriment of all downtown businesses. The City Council recently created a Parking Authority as authorized by the Streets and Highways Code to operate the public parking lots in the downtown area. By creating a Public Parking (P-PK) District, the zoning for these properties could be changed to ensure they would remain parking facilities even if they were ultimately privately owned.

Purpose:

The purpose of this zoning district is to "provide a zoning designation for parking lots that are available for use by the public at no cost for minimum periods of time in each twenty-four hour period. While the Public Parking District zone allows limited commercial uses, the primary use of properties with a Public Parking District zone designation must remain for parking that is available for use by the public at no cost for minimum periods of time during every twenty-four (24) hour period."

Permitted Uses:

Parking lot in which a minimum fifty five percent (55%) of the parking spaces are available for use by the public at no charge for a minimum of four (4) hours during every 24-hour period and a maximum of forty five percent (45%) of the parking spaces are available for lease to neighboring businesses to meet the parking requirements for those businesses.

Commercial uses principally permitted in the Central Commercial (C-C) district (but excluding therefrom fast-food restaurants), provided that commercial uses are only allowed within the Public Parking District if a multi-story structure is constructed that provides for on-site public parking that is equal to or greater than the square footage of the lot or parcel less required setbacks and driveway approaches.

Accessory Uses:

Accessory uses shall include signs appurtenant to any permitted use on the lot, not to exceed five hundred (500) square feet of total sign area per lot.

Conditional Uses:

- Billiard hall or pool hall with six (6) or few tables;
- Nightclub, bowling alley, dance hall, roller skating rink; or,
- Retail businesses of twenty thousand (20,000) square feet or less selling alcoholic beverages for off-site consumption.

Prohibited Uses:

All uses not listed as principal use or a conditional use in the Public Parking District are prohibited.

Additional Conditions:

- Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises;
- Off-street loading and parking as required in Chapter 20.58; and,
- Site Plan approval of all conditional uses as required in Chapter 20.68.

SECTIONS 5 - 14. ADDITIONS TO CODE. Sections 20.04.075, 20.04.125, 20.04.135, 20.04.138, 20.04.145, 20.04.148, 20.04.195, 20.04.315, 20.04.335, and 20.04.425.

E) These sections add various definitions to the code. Please refer to Attachment B for the proposed definitions.

These definitions are all terms that are used in the Zoning Ordinance, but are not specifically defined. The addition of these definitions will provide a better understanding for interpretation by staff and the general public.

Environmental Clearance

F) The Planning staff has conducted an environmental review (Initial Study # 12-19) of the project in accordance with the requirements of the California Environmental Quality Act (CEOA), and a Categorical Exemption is being recommended (Attachment D).

Attachments:

- A) Sign Regulations for the C-SC District
- B) List of Proposed Definitions
- C) Draft City Council Ordinance
- D) Categorical Exemption
- E) Draft Planning Commission Resolution

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Proposed Sign Regulations for the Commercial – Shopping (C-SC) District

20.22.040 - Signs.

The following regulations shall apply to signs erected in the C-N district:

- A. Signs shall pertain only to a use conducted on the property.
- B. Freestanding double-face directional and off-street parking control signs may be located at each entrance or exit servicing off-street parking; provided, each sign face does not exceed four (4) square feet.
- C. Freestanding shopping center identification signs shall be permitted adjacent to each major street or each minor street on which the shopping center has at least two hundred feet of property frontage. The sign may be double-face, but shall not exceed one hundred square feet per face and shall contain only the name of the shopping center. If businesses located in the shopping center are listed, there may be an additional two square feet per listing per face.
- D. 1. Signs shall only be erected parallel with the wall of the building most nearly facing the principal street and any minor street on which a neighborhood shopping center has more than a two hundred foot frontage. No sign attached to a building shall project beyond the limits of the structure as shown on the architectural or engineering plan elevation of the building facing the property line abutting the street toward which the sign faces.
 - 2. "Principal street," for purposes of this section, means a street designated on the general plan as a major street.
- E. Signs pertaining to the use of the building may be placed in the following locations:
 - 1. Attached to, parallel with, and with the face of the sign no more than eighteen (18) inches from the face of the building.
 - 2. Signs may be erected perpendicular to the face of the building if attached under a marquee or similar structurally permanent extension from the building; provided, that the signs shall not project beyond the limits of the marquee or roof. The signs shall not exceed eight (8) inches in height, five (5) feet in length, nor be less than seven (7) feet, six (6) inches above the sidewalk level.
 - 3. Other signs located on, under, or in front of a marquee shall be located not more than eighteen (18) inches from the edge of the marquee and shall not exceed eighteen (18) inches in height nor be less than seven (7) feet, six (6) inches above sidewalk level.
 - 4. Signs may be located at the rear or side of a building if there is less than two hundred (200) feet on a minor street and the buildings are at least fifty (50) feet from adjacent residential areas.

Proposed Sign Regulations for the Commercial – Shopping (C-SC) District

- F. Sign areas shall be limited to one (1) square foot for each lineal foot of building width as shown on an elevation of the building, but in no case shall the sign area exceed one hundred (100) square feet, except as otherwise provided in this title. For shopping centers with less than two hundred (200) foot frontage on a minor street, signs shall be limited to one (1) square foot for each lineal foot of the building; provided, however, that no sign shall exceed fifty (50) square feet.
- G. Lighted signs shall be governed by the following:
 - 1. Lighted signs with direct or reflected lighting, any part of which flashes, blinks, turns off and on or which has mechanical or electrical movement of any kind, are prohibited;
 - 2. Red, amber or green signs may not be placed in any manner conflicting with traffic signals or which, in the opinion of the traffic safety committee, may confuse or tend to confuse drivers or operators of vehicles using the streets of the city;
 - 3. Exterior signs may be illuminated until ten p.m. or the end of the business day, whichever is later;
 - 4. Spotlights or other illuminating devices may not be directed toward adjacent residentially zoned property.

(Ord. 824 § 7.203(B), 1964).

Proposed Definitions Zoning Ordinance Amendment #12-01

20.04.075 **Bar**

Any area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

20.04.125 **Church**

A building in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

20.04.135 Cocktail lounge or lounge

"Cocktail lounge" or "lounge" shall have the same meaning as "bar." (See Section 20.04.075)

20.04.138 **Dance Hall**

"Dance hall" shall have the same meaning as "nightclub." (See Section 20.04.135)

20.04.145 **Drive-in restaurant**

A commercial establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

20.04.148 **Drive-through restaurant**

A commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis and which includes a window designed to accommodate automobile traffic that obtains food on a take-out basis.

20.04.195 Fast-food restaurant

A commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic.

20.04.315 **Nightclub**

A commercial establishment that serves alcohol for consumption on the premises and which provides live music, music videos and/or disc jockeys and which provides a place in the establishment in which patrons are permitted to dance and/or participate in regularly featured entertainment activities or events that include (but are not limited to) drinking games. A "nightclub" also includes a commercial establishment catering to patrons that are 18 years of age and older that does not serve alcohol for consumption on the premises, but which provides live music, music videos or disc jockeys and a place in the establishment in which patrons are permitted to dance.

Proposed Definitions Zoning Ordinance Amendment #12-01

20.04.335 **Restaurant**

A commercial establishment engaged in the selling of food or drink for consumption on the premises.

20.04.425 **Tavern**

"Tavern" shall have the same meaning as "bar." (See Section 20.04.075)

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS 20.18.020 AND 20.18.030 OF THE MERCED MUNICIPAL CODE RELATING TO COMMERCIAL DISTRICTS, ADDING CHAPTER 20.25 TO THE MERCED MUNICIPAL CODE RELATING TO THE NEW C-SC DISTRICT, AMENDING CHAPTER 20.40 TO DELETE THE U-R DISTRICT AND ADD THE PUBLIC PARKING DISTRICT AND ADDING SECTIONS 20.040.075, 20.04.125, 20.040.135, 20.04.138, 20.04.145, 20.040.148, 20.04.195, 20.04.315, 20.04.335 AND 20.04.425 TO THE MERCED MUNICIPAL CODE TO ADD NEW ZONING CODE DEFINITIONS

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Section 20.18.020, "Purposes," of the Merced Municipal Code is hereby amended to read as follows:

"20.18.020 Purposes.

Six (6) classes of commercial districts, C-O, C-N, C-C, C-SC, C-T, and C-G are established in order to:

- A. Provide space for the many and highly diverse types of commercial activity needed to serve people and industry, and maintain and strengthen the economic base of the City;
- B. Contribute to the effectuation of the general plan by designating commercial areas of six (6) classes so that all types of commercial activity may have an appropriate location;

- C. Preserve and enhance property values and promote the constructive improvement and orderly growth of the existing well-located commercial centers and districts;
- D. Promote the establishment of new commercial centers and districts properly located to serve the needs of the City;
- E. Prevent the indiscriminate mixture of commercial activity within the commercial areas and the scattering of commercial uses in the residential and industrial districts."

SECTION 2. AMENDMENT TO CODE. Section 20.18.030, "Minimum Lot Width Requirements," of the Merced Municipal Code is hereby amended to read as follows:

"20.18.030 Minimum Lot Width Requirements.

In the C-O and C-N districts, the minimum lot width shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot. In the C-C, C-T and C-G districts, the minimum lot width shall be sixty (60) feet. In the C-SC district, the minimum lot width shall be three hundred (300) feet."

SECTION 3. ADDITION TO CODE. Chapter 20.25, "C-SC District," is hereby added to the Merced Municipal Code to read as follows:

"Chapter 20.25.
C-SC District
(Commercial – Shopping District)

Section:

20.25.010 Purpose.

20.25.020 Permitted Uses.

20.25.030 Accessory Uses.

20.25.040 Signs.

- 20.25.050 Conditional Uses.
- 20.25.060 Height Regulations.
- 20.25.070 Yard Requirements.
- 20.25.080 Additional Conditions.
- 20.25.090 Prohibited Uses.

20.25.010 Purpose.

The purpose of the C-SC district is to provide a center for shopping that will serve the surrounding residential neighborhoods as well as area and regional shopping needs. New C-SC districts shall have a minimum area of five acres.

20.25.020 Permitted Uses.

The following principal permitted uses are:

- A. Shopping center that includes a minimum of five thousand (5,000) square feet devoted to the sale of groceries (not counting square footage devoted to alcohol and alcohol related products, the sale of which requires a conditional use permit).
- B. Supermarket, super grocery store.
- C. Retail use of twenty thousand (20,000) square feet or more that has a minimum of twenty-five percent (25%) of its floor space devoted to sale of groceries (not counting floor space devoted to alcohol and alcohol related products).
- D. Any other retail business which is determined by the Planning Commission to be of the same general character as the above permitted retail business uses.

20.25.030 Accessory Uses.

The following are accessory uses:

Accessory buildings and uses customarily appurtenant to a permitted use, such as an incidental storage facility, garage, or off-street parking area.

20.25.040 Signs.

The sign regulations for the C-SC district shall be the same as those for the C-N district that are specified in Section 20.22.40.

20.22.050 Conditional Uses.

The conditional uses are:

A. Restaurant or café, which includes the sale of liquor, beer, or other alcoholic beverages by the glass, or for consumption on the premises; provided however, that a drive-in restaurant or a restaurant with a drive-through window or windows are specifically prohibited in the C-SC zone.

B. Sidewalk café.

20.25.060 Height Regulations.

No principal or accessory building shall exceed two and one-half $(2\frac{1}{2})$ stories or thirty five (35) feet.

20.25.070 Yard Requirements.

The following minimum requirements shall be observed except where increased for conditional uses:

A. Lot area (in square feet): Thirty Five Thousand (35,000).

B. Yards:

- 1. Exterior (in feet): Twenty (20)
- 2. Interior (in feet): None, except when abutting R district, then not less than twenty (20) feet.

20.25.080 Additional Conditions.

Other required conditions are that:

- A. In any C-SC district which is across a street or thoroughfare from any R district, or any district designated for future residential use in the Merced General Plan, the parking and loading facilities shall maintain an average distance of at least eight (8) feet from the street and structures at least thirty-five (35) feet from the street;
- B. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises;
- C. Off-street loading and parking as required in Chapter 20.58; and,
- D. Site plan approval of all conditional uses as required in Chapter 20.68.

20.25.090. Prohibited Uses

The following are prohibited uses in the C-SC district:

A. Retail business of twenty thousand (20,000) square feet or less selling alcoholic beverages for off-site consumption that does not include a minimum of five

thousand (5,000) square feet or more devoted to groceries (not including alcohol and alcohol-related products);

- B. Drive-in restaurant;
- C. Restaurant with a drive-through window or windows;
- D. Public and quasi-public uses;
- E. Auto service station;
- F. Residential uses (unless part of a mixed use project in which the residential uses are located over a commercial use);
- G. Convenience market with gasoline sales;
- H. Convenience market without gasoline sales;
- I. Social hall, lodge, fraternal organizations and clubs;
- J. Church; or,
- K. Public utility uses, substations, and communication equipment buildings."

SECTION 4. AMENDMENT TO CODE. Chapter 20.40, currently entitled "U-R District" is hereby amended to read as follows:

"Chapter 20.40 Public Parking District (P-PK)

Section:

20.40.010 Purpose.

20.40.020 Permitted Uses.

20.40.030 Accessory Uses.

20.40.040 Conditional Uses.

20.40.050 Prohibited Uses.

20.40.060 Additional Conditions.

20.40.010 Purpose.

A. The purpose of the Public Parking District is to provide a zoning designation for parking lots that are available for use by the public at no cost for minimum periods of time in each twenty-four (24) hour period. While the Public Parking District zone allows limited commercial uses, the primary use of properties with a Public Parking District zone designation must remain for parking that is available for use by the public at no cost for minimum periods of time during every twenty-four (24) hour period.

20.40.020 Permitted Uses.

The following principal permitted uses are:

- A. Parking lot in which a minimum fifty five percent (55%) of the parking spaces are available for use by the public at no charge for a minimum of four (4) hours during every 24-hour period and a maximum of forty five percent (45%) of the parking spaces are available for lease to neighboring businesses to meet the parking requirements for those businesses.
- B. Commercial uses principally permitted in the C-C District (but excluding therefrom fast-food restaurants), provided that commercial uses are only allowed within the Public Parking District if a multistory structure is constructed that provides for on-site public parking that is equal to or greater than the square footage of the lot or parcel less required setbacks and driveway approaches.

20.40.030 Accessory Uses.

Accessory uses shall include signs appurtenant to any permitted use on the lot, not to exceed five hundred (500) square feet of total sign area per lot.

20.40.040 Conditional Uses.

The conditional uses are:

- A. Billiard hall or pool hall with six (6) or more tables;
- B. Night club, bowling alley, dance hall, roller skating rink; or,
- C. Retail business of twenty thousand (20,000) square feet or less selling alcoholic beverages for off-site consumption.

20.40.050 Prohibited Uses.

All uses not listed as a principal permitted use or a conditional use in the Public Parking District are prohibited.

20.40.060 Additional Conditions.

Other required conditions are that:

- A. Goods for sale shall consist primarily of new merchandise and shall be sold at retail on the premises;
- B. Off-street loading and parking as required in Chapter 20.58; and,
- C. Site plan approval of all conditional uses as required in Chapter 20.68."

SECTION 5. ADDITION TO CODE. Section 20.04.075, "Bar," is hereby added to the Merced Municipal Code to read as follows:

"20.04.075 Bar.

'Bar' means any area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term 'bar' shall not include the restaurant dining area."

SECTION 6. ADDITION TO CODE. Section 20.04.125, "Church," is hereby added to the Merced Municipal Code to read as follows:

"20.04.125 Church.

'Church' means a building in which persons regularly assemble for religious worship and which is maintained and controlled by religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose."

SECTION 7. ADDITION TO CODE. Section 20.04.135, "Cocktail lounge or lounge," is hereby added to the Merced Municipal Code to read as follows:

"20.04.135 Cocktail lounge or lounge.

'Cocktail lounge' or 'lounge' shall have the same meaning as 'bar'."

SECTION 8. ADDITION TO CODE. Section 20.04.138, "Dance hall," is hereby added to the Merced Municipal Code to read as follows:

"20.04.138 Dance hall.

'Dance hall' shall have the same meaning as 'nightclub'."

SECTION 9. ADDITION TO CODE. Section 20.04.145, "Drive-in restaurant," is hereby added to the Merced Municipal Code to read as follows:

"20.04.145 Drive-in restaurant.

'Drive-in restaurant' means a commercial establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure."

SECTION 10. ADDITION TO CODE. Section 20.04.148, "Drive-through restaurant," is hereby added to the Merced Municipal Code to read as follows:

"20.04.148 Drive-through restaurant.

'Drive-through restaurant' means a commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis and which includes a window designed to accommodate automobile traffic that obtains food on a take-out basis."

SECTION 11. ADDITION TO CODE. Section 20.04.195, "Fast-food restaurant," is hereby added to the Merced Municipal Code to read as follows:

"20.04.195 Fast-food restaurant.

'Fast-food restaurant' means a commercial establishment engaged primarily in the business of preparing food and purveying it on a self-service or semi self-serve basis. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic." **SECTION 12. ADDITION TO CODE.** Section 20.04.315, "Nightclub," is hereby added to the Merced Municipal Code to read as follows:

"20.04.315 Nightclub.

'Nightclub' means a commercial establishment that serves alcohol for consumption on the premises and which provides live music, music videos and/or disc jockeys and which provides a place in the establishment in which patrons are permitted to dance and/or participate in regularly featured entertainment activities or events that include (but are not limited to) drinking games. A 'nightclub' also includes a commercial establishment catering to patrons that are 18 years of age and older that does not serve alcohol for consumption on the premises, but which provides live music, music videos or disc jockeys and a place in the establishment in which patrons are permitted to dance."

SECTION 13. ADDITION TO CODE. Section 20.04.335, "Restaurant," is hereby added to the Merced Municipal Code to read as follows:

"20.04.335 Restaurant.

'Restaurant' means a commercial establishment engaged in the selling of food or drink for consumption on the premises."

SECTION 14. ADDITION TO CODE. Section 20.04.425, "Tavern," is hereby added to the Merced Municipal Code to read as follows:

"20.04.425 Tavern.

'Tavern' shall have the same meaning as 'bar'."

SECTION 15. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 16. 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 17. 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.

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	The foregoing (Ordinance was introd	uced at a regular meeting of the	City
Cour	ncil of the City of	Merced on the	day of, 2012, and v	was
			said City Council held on the	day
of_	, 2012	2, by the following ca	alled vote:	
	AYES:	Council Member	rs:	
	NOES: Council Members: ABSTAIN: Council Members:			
ABSENT: Council Members:				
	APPROVED:			
A TEVE	rer.		Mayor	
	EST: N M. BRAMBL	E, CITY CLERK		
BY:_	Assistant/Depu	ty City Clerk		
(SEA	L)			
APP	ROVED AS TO	FORM:		
<u> </u>	City Att San	U 8/7/12 Date		
	City Attorney	Date		

NOTICE OF POTENTIAL INTRODUCTION OF ORDINANCE

CITY OF MERCED

NOTICE IS HEREBY GIVEN that on	, 2012, the City Council of
the City of Merced is scheduled to consider t	he introduction of an Ordinance
entitled:	

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING SECTIONS 20.18.020 AND 20.18.030 OF THE MERCED MUNICIPAL CODE RELATING TO COMMERCIAL DISTRICTS, ADDING CHAPTER 20.25 TO THE MERCED MUNICIPAL CODE RELATING TO THE NEW C-SC DISTRICT, AMENDING CHAPTER 20.40 TO DELETE THE U-R DISTRICT AND ADD THE PUBLIC PARKING DISTRICT AND ADDING SECTIONS 20.040.075, 20.04.125, 20.040.135, 20.04.138, 20.04.145, 20.040.148, 20.04.195, 20.04.315, 20.04.335 AND 20.04.425 TO THE MERCED MUNICIPAL CODE TO ADD NEW ZONING CODE DEFINITIONS"

at its regular meeting to be held at 7:00 pm in the City Council Chambers at 678 West 18th Street, Merced, California. The public is invited to provide any oral or written comments regarding this proposed Ordinance.

If adopted, this Ordinance would add two new zoning districts to the Zoning Code – the C-SC (Commercial Shopping) District and the Public Parking District – and would delete the U-R District. The Ordinance would also add new zoning definitions for bar, church, cocktail lounge and lounge, dance hall, drive-in restaurant, drive-through restaurant, fast-food restaurant, nightclub, restaurant and tavern.

NOTICE O	F EXEMPTION			
To:X	Office of Planning and P.O. Box 3044 Sacramento, CA 9581 County Clerk County of Merced 2222 M Street Merced, CA 95340		From: (1	Public Agency) City of Merced 678 West 18th St. Merced, CA 95340
Project Title:	ŕ	nance Amendm	ent (ZOA) #12-01	
•	icant: City of Merc		,	
Project Locat	tion (Specific): City	of Merced.	APN: n/a (cityv	vide)
Project Locat	tion - City: Merce	ed	Project Locatio	n - County: Merced
Urban Renewa "church," "co restaurant," "f	al (U-R) zoning distriction of the control of the c	ict, and add nev ounge," "dance "nightclub," "re	widefinitions to the hall," "drive-in estaurant," and "tav	g District (P-PK), delete the zoning ordinance for "bar," restaurant," "drive-through wern."
	lic Agency Approvir		City of Merced	
	on or Agency Carry	ing Out Projec	et: City of Mercec	
De En Ca Sta	nisterial (Sec. 21080(b) clared Emergency (Sec nergency Project (Sec. 2 tegorical Exemption. Statutory Exemptions. Statutory Exemptions. Statutory Research (Sec. 1506)	2. 21080(b)(3); 15 21080(b)(4); 1520 State Type and Se ate Code Number	69(b)(c)); ction Number: [
definitions, no zoning district general rule the effect on the e activity in que to CEQA. A	ew zoning categories and does not apply at CEQA applies only environment. Where it estion may have a signall site specific requirements on a case by City of Merce	s, and specify to a specific proyects what can be seen with the can be s	minimum lot wide oject. Therefore, to aich have the potent of the certainty that the on the environment arding this ordinal	nce would establish new dth requirements in certain he activity is covered by the stial for causing a significant here is no possibility that the activity is not subject since shall be evaluated for de/Telephone: (209) 385-6858
Signature:	These	Date:	8-2-12	Fitle: Planner
X Signed by	Lead Agency	Date Received (If applicable)	for Filing at OPR:_	

Authority Cited: Sections 21083 and 21110. Public Resources Code
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code
ATTACHMENT D

CITY OF MERCED Planning Commission

Resolution #3006

WHEREAS, the Merced City Planning Commission at its regular meeting of August 22, 2012, held a public hearing and considered **Zoning Ordinance Amendment #12-01**, initiated by the City of Merced. This ordinance is intended to specify minimum lot width requirements in certain zoning districts, add two new zoning districts, Commercial—Shopping District (C-SC) and Public Parking District (P-PK), delete the Urban Renewal (U-R) zoning district, and add new definitions to the zoning ordinance for "bar," "church," "cocktail lounge or lounge," "dance hall," "drive-in restaurant," "drive-through restaurant," "fast-food restaurant," "nightclub," "restaurant," and "tavern"; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through F of Staff Report #12-14; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #12-19, and approval of Zoning Ordinance Amendment #12-01, as set forth in Attachment C of Staff Report #12-14.

•	on by Commissioner	, and carried by the following vote:
AYES:	Commissioner(s)	
NOES:	Commissioner(s)	
	Commissioner(s) Commissioner(s)	

PLANNING COMMISSION RESOLUTION #3006 Page 2 August 22, 2012 Adopted this 22nd day of August 2012 Chairperson, Planning Commission of the City of Merced, California ATTEST: Secretary

n:shared:planning:PC Resolutions:ZOA#12-01