

Chapter 20.44 - SPECIAL LAND USE REGULATIONS

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20.44.010 Alcoholic Beverage Sales for Off-Premises Consumption

A. Permit Required. A Conditional Use Permit is required for any use with alcoholic beverage sales for off-premises consumption with a building size less than 20,000 square feet.



B. Findings. To approve a Conditional Use Permit for a use with alcoholic beverage sales for off-premises consumption, the City shall make all of the following findings in addition to the findings in Section 20.68.020 (Conditional Use and Minor Use Permits):

1. The proposed use will not result in an "undue concentration" of establishments dispensing alcoholic beverages as defined in Sections 23958 and 23958.4 of the

California Business and Professions Code and giving consideration to the California Department of Alcoholic Beverage Control's guidelines related to the number and proximity of such establishments within a one thousand (1,000) foot radius of the site.

2. The proposed use shall not adversely affect the economic and societal welfare of the pertinent community or residentially zoned community in the area of the City involved, after giving consideration to the distance of the proposed use from residential zoning districts, churches, schools, hospitals, playgrounds, public parks, or any other similar uses as determined by the Director of Development Services.
3. The proposed use shall not significantly adversely affect the crime rate in the area of the proposed site. Particular attention shall be given to those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct.

20.44.020 Food Trucks in Fixed Locations

- A. **Location.** Food trucks (or “mobile food vendors”) that park in fixed locations, instead of being “street and sidewalk vendors” as defined in Chapter 5.54 (Street and Sidewalk Vendors), are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts) and Planned Developments with those same designations. A “fixed location” is considered to be parked on any one parcel for more than 1 hour a day.
- B. **Permits Required.** A Site Plan Review Permit or Conditional Use Permit is required for all food trucks that park in a fixed location as shown in the land use regulation tables in Part 2 (Zoning Districts) or in Planned Developments with a Conditional Use Permit. Such permits are required for each location if there are multiple locations.
- C. **Operational Standards.**
 1. **Number per Parcel.** Only one food truck shall be allowed per developed site and shall not be allowed on vacant parcels without another permitted use operating on the site, unless otherwise approved by Conditional Use Permit as part of a food truck parking area as defined in Subsection 7 below.
 2. **Hours of Operation.** Food trucks shall be operated only between 7:00 a.m. and 9:00 p.m. daily, unless otherwise approved by Site Plan or Conditional Use Permit.



3. **Parking and Access.** Food trucks shall only be allowed in parking lots which are paved and striped to City Standards. Each food truck shall provide parking as required in Chapter 20.38 (Parking and Loading) and shall not utilize parking spaces required for another permitted use on the site. Food trucks shall not block driveways or parking aisles.
4. **Maintenance.** The site shall be maintained free of trash and debris at all times and provision shall be made for refuse collection containers for patrons.
5. **Advertising.** All signage shall be contained on the catering vehicle. No A-frame signs, banners, flags, or moving or portable signs shall be permitted for the use anywhere on or off the site.
6. **Licenses.** Food trucks shall comply with all City business license requirements as well as all requirements of the Merced County Health Department, including provisions for food safety, approved commissary, and employee restrooms (no portable toilets allowed).
7. **Establishment of Multiple Food Truck Parking Areas.** With a Conditional Use Permit in any zoning district which permits food trucks, parking areas for multiple food trucks may be established. The City may require permanent seating, shelters, refuse containers, and other amenities with the Conditional Use Permit.

20.44.030 Bed and Breakfast

- A. **Permits Required.** A Conditional Use Permit is required to establish a bed and breakfast in any zoning district as provided in Part 2 (Zoning Districts).
- B. **Owner Occupancy.** The owner shall reside on the premises of a bed and breakfast, and separate owner's quarters shall be maintained.
- C. **Maximum Accommodation.** The maximum number of rooms to accommodate overnight guests shall not exceed twelve.



D. Meals. Meals may be provided to overnight guests only.

E. Parking. Off-street parking to be provided in accordance with Chapter 20.38 (Parking and Loading).

20.44.040 Check Cashing/Payday Loan Establishments

A. Location.

1. Check cashing/payday loan establishments are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts).
2. Check cashing/payday loan establishments shall not be permitted within 1,000 feet of another check cashing/payday loan establishment.



B. Operational Standards.

1. **Hours of Operation.** Check cashing/payday loan establishments shall be operated only between 7:00 a.m. and 9:00 p.m. daily. No loitering shall be permitted during, before, and after hours of operation.
2. **Transparency.** No windows or doors fronting public streets shall be obscured in any way, and adequate interior lighting shall be provided to be visible from the businesses across the street.
3. **Security Plan.** A security plan, reviewed and approved by Merced Police Department, shall be submitted with other submittal materials for City permits.
4. **Lighting Plan.** On-site lighting plan shall be required upon submittal for City permits. On-site lighting plan shall ensure safety and security of the property, including parking and access areas.



20.44.050 Community Gardens

- #### A. Location.
- Community gardens are only permitted in zoning districts as shown in the land use regulation tables in Part 2 (Zoning Districts).



- #### B. Required Permits.
- A Site Plan Review or Conditional Use Permit per the land use regulation tables in Part 2 (Zoning Districts) shall be required before applying for a building permit for construction of a community garden.

C. Applicant. An applicant shall be a public entity, civic organization, or community-based organization, which would manage and maintain community gardens.

D. Operational Standards.

1. **Owner's Agreement.** The applicant shall be required to bring a signed affidavit from the property owner, if applicant is not the owner.

2. **Hours of Operation.** The community gardens shall only be operated between 8:00 a.m. and 8:00 p.m. daily.

3. **Animals Prohibited.** No animals, including bees and fish, shall be allowed to be housed in community gardens. Only produce, plants, or flowers shall be allowed to grow in community gardens. Marijuana plants are prohibited.



4. **Commercial Activities.** On-site sale of community garden products shall be prohibited, unless located in a commercial zone or as otherwise authorized by a Site Plan or Conditional Use Permit.

5. **Lighting Plan.** On-site lighting plan shall be required upon submittal for a City Permit. On-site lighting plan shall ensure safety and security of the property, including parking and access areas.

6. **Maintenance.** Community gardens shall be maintained free of weeds, trash, and debris.

20.44.060 Fraternities/Sororities

A. Permit Required. A Conditional Use Permit is required to establish and operate fraternity and sorority houses.

B. Application Materials. In addition to materials required by Chapter 20.68 (Permit Requirements), an application for a fraternity or sorority house shall include the following materials:



1. Annual report of the names, addresses, and telephone numbers of all fraternity and sorority officers residing at the fraternity or sorority house and two community sponsors. Such a report shall be submitted to the City in October of each year.
2. Written authorization from the property owner granting the applicant permission to operate a fraternity or sorority house on the property.
3. A copy of the adopted by-laws and regulations and registration showing proof of being a campus organization for the fraternity or sorority.
4. The application shall be signed by an officer of the fraternity or sorority and shall contain an acknowledgment that all State and local laws and ordinances must be complied with, including but not limited to, the Merced Municipal Code regarding trash and recyclables collection area, signs, parking and noise.

C. Performance Standards.

1. **Noise.** Any fraternity or sorority houses shall comply with the Noise Element of Merced General Plan.
2. **Public Nuisance.** Any fraternity or sorority houses shall maintain the premises and operate in compliance with Chapter 8.40 (Nuisance), Chapter 9.64 (Disruptive Parties and Gatherings on Private Property), and Chapter 9.65 (Hosting Parties Where Alcohol is Consumed by Persons Under the Age of 21 on Private Property) of the Merced Municipal Code.
3. **Occupancy.** The maximum number of residents permitted shall be based on Building Code requirements.
4. **Revocation.** The City Council may revoke the Conditional Use Permit if found that such establishment degrades the health and safety of the public or creates a nuisance per the provisions of Chapter 8.40 (Nuisance).

20.44.070 Gas and Service Stations

A. Minor Repair Permitted.



1. Minor automobile repairs are permitted on the premises of a gas and service station. Examples of minor automobile repairs include detailing services, quick lube services, and tire and battery sales and installation. Major automobile repairs, including body repair and painting, are prohibited, unless otherwise permitted in that zoning district (Part 2). See Chapter 20.90 for definitions of minor and major repair.

2. Incidental sales of products, accessories, and services directly related to minor automobile repair services are permitted as are general convenience goods.
3. All automobile services and repairs shall be done in a completely enclosed building.

B. Sale of Alcoholic Beverages.

1. **Conditional Use Permit Required.** A Conditional Use Permit is required for the sale of alcoholic beverages, including beer and wine, if the retail outlet is less than 20,000 square feet in building size.
2. **Standards.** Uses engaged in the concurrent sale of alcoholic beverages and gasoline or diesel fuel shall comply with the following performance standards:
 - a. No alcohol shall be displayed within five feet of the cash register or the front door.
 - b. No advertisement of alcoholic beverages shall be displayed on motor fuel islands, in landscaped areas, or outside the building.
 - c. No self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.
 - d. No sale of alcoholic beverages shall be made from a drive-up window.
 - e. No display or sale of beer or wine shall be made from an ice tub.
 - f. Employees shall be at least 21 years old to sell alcohol.

20.44.080 Live/Work

A. Limitations on Use.

1. Non-residential uses of a live/work unit shall be only those uses that are allowed within the applicable zoning district.
2. A live/work structure shall be occupied only by the business operator and family or employees and family. Live/work structures shall serve primarily as a business with accommodations for living space.
3. Exclusive residential use is not allowed in a live/work unit.

B. Prohibited Uses. The following uses are not permitted as part of a live/work unit:

1. Adult entertainment businesses.
2. Vehicle sales, service, maintenance, or repair.
3. Welding, machining, or open-flame work, unless approved with a Minor Use Permit.

4. Manufacturing or processing activities, unless approved with a Minor Use Permit.
5. Any use that might affect the health or safety of nearby residents or associated with hazardous materials and other uses determined incompatible by the Director of Development Services because of their potential to create dust noise, vibration, noxious gases, odors, smoke, or any other negative impacts are not permitted in live/work units.

C. Design Standards.

1. **Floor Area Requirements.** The minimum floor area of the live/work unit shall be 1,000 square feet. A maximum of 50 percent of this space shall be reserved for work space; the rest reserved for occupancy.
2. **Access.** Each unit shall be clearly separate from other units and any different uses which may be in the structure should be accessed from common public access areas, corridors, halls, and/or public sidewalks.
3. **Commercial or Industrial Use.** The design of live/work units shall be similar to structures occupied by commercial or industrial uses commonly found in the vicinity of the live/work units.



D. Operating Standards.

1. **Occupancy.** Living space and working space shall not be separately rented or sold separately as a residential space for persons not working on the premises or as a place of business for persons not living on the premises, but both uses shall be occupied by the same persons, the business operator and family or employee and family.
2. **Business License.** The operator and resident of a live/work space shall maintain at all times a valid City of Merced Business License.

20.44.090 Recycling Facilities

A. Permits Required. Permits required for recycling facilities are shown in the land use regulation tables in Part 2 (Zoning Districts). In considering a permit for a recycling facility, the City shall make the following findings:

1. The recycling facility will not have a detrimental effect on the public health, safety, and general welfare.
2. Conditions with respect to location, construction, maintenance, operation, color, signs, and site planning for the protection of adjacent properties and public interest have been imposed.



B. Reverse Vending Machines.

1. **Accessory Use Only.** Reverse vending machines are allowed only as an accessory use to a commercial, industrial, or public use permitted in the applicable zone.
2. **Maximum Allowed.** Maximum of 3 machines allowed per site.
3. **Location.** If located outside of a structure, reverse vending machines shall be located within 100 feet of the entrance to the primary structure on the parcel and shall not obstruct pedestrian or vehicular circulation or occupy required on-site parking spaces.
4. **Size.** Reverse vending machines shall occupy no more than 100 square feet of floor space per unit, including any protective enclosure, and shall be no more than 8 feet in height.
5. **Signs.** The maximum sign area shall be 1 square foot per unit, exclusive of operating instructions, and shall be located on the unit.

C. Small Collection Facilities.



1. **Location.**
 - a. Small collection facilities shall not be located within 200 feet of a residential zoning district.
 - b. Small collection facilities shall be set back at least 10 feet from any public right-of-way and shall not interrupt pedestrian or vehicular traffic.
2. **Size.** A small collection facility shall occupy no more than 500 square feet of area.

3. **Screening.** All outdoor storage and centralized refuse storage and collection areas shall be enclosed with a solid six-foot-high fence; the latter shall be covered.
4. **Operating Standards.** Small collection facilities shall not use power-driven processing equipment and shall only accept glass, metal, plastic containers, paper, and reusable items. Sites shall be maintained free of trash, loose debris, and graffiti at all times.
5. **Noise.** Noise level shall not exceed 60 dBA when measured at the closest residential property; otherwise, noise level shall not exceed 70 dBA.
6. **Hours of Operation.** Small collection facilities shall be attended and operate only between 9:00 a.m. and 7:00 p.m. daily.

D. Large Collection Facilities.

1. **Location.** A large collection facility shall be located at least 500 feet from a residential zone.
2. **Size.** A large collection facility is defined as occupying 500 square feet of area or more.
3. **Screening.** Large collection facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.
4. **Operating Standards.** Power-driven processing shall not produce dust, fumes, odor, smoke, or vibration in excess of ambient levels. Sites shall be maintained free of trash, loose debris, and graffiti at all times.
5. **Hours of Operation.** Large collection facilities shall be attended and operate only between 9:00 a.m. and 7:00 p.m. daily.



E. Recycling Processing Facilities.

1. **Location.** Parcels occupied by a recycling processing facility shall not abut or be located across the street from a residential zone and shall be limited to the C-G, I-L, and I-H zoning districts only.
2. **Allowed Activities.** Baling, compacting, crushing, grinding, shredding, sorting, and repairing are allowed. Only beverage and food containers and paper/cardboard may be baled, compacted, or shred.

3. **Exterior Storage.** Exterior storage of material shall also be located in sturdy storage containers or be enclosed.
4. **Screening.** Processing facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 8 feet in height.
5. **Operating Standards.** Dust, fumes, odor, smoke, or vibration shall not exceed ambient levels. Sites shall be maintained free of trash, loose debris, and graffiti at all times.

20.44.100 Outdoor Displays of Merchandise

A. Minor Use Permit Required. A Minor Use Permit is required for any permanent outdoor display of merchandise, including propane exchange displays and automated retail, water, or movie rental vending machines.

B. Standards. Outdoor displays of merchandise shall comply with the following standards:

1. Displayed items shall not exceed 8 feet in height.
2. Movable sale items (not vending machines) shall be displayed only during operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business, unless otherwise stated on the approved Minor Use Permit.
3. Items shall be located on the same parcel as the associated primary use and shall not be placed within any permanent landscaped area, required parking space, or loading area.
4. No items shall be displayed within the public right-of-way.
5. Display areas shall not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.
6. Display areas shall have at least 4 feet of clear space and comply with any other Americans with Disabilities Act (ADA) requirements at all times.
7. Automated retail, water, or movie rental vending machines shall occupy no more than 25 square feet of floor space per machine or display.



20.44.110 Photovoltaic Energy Systems and Public Utility Distribution Lines

- A. Applicability.** Regulations and standards in this section only apply to Photovoltaic Energy Systems for onsite use only.
- B. Permitted in all Zoning Districts.** Photovoltaic energy systems are permitted in all zoning districts as an accessory structure.



C. Standards. Photovoltaic energy systems shall comply with the following standards:

1. Ground-mounted photovoltaic solar panels shall meet the height and setback requirements of the applicable zoning district.
 2. Ground-mounted photovoltaic solar panels should be screened from public view.
 3. Roof-mounted photovoltaic solar panels shall meet the height requirement of the designated zoning district, but may be allowed to extend higher in accordance with the California Building Code.
 4. Whenever feasible, photovoltaic solar panels should be integrated into the structure design as one of its architectural elements.
 5. Photovoltaic solar panels shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and the Public Utilities Commission regarding safety and reliability as well as all applicable Building Code requirements.
 6. If determined to increase efficiency or performance of photovoltaic solar panels and not adversely impact public health and safety, the Director of Development Services may modify standards in this section through a Minor Use Permit.
 7. Solar carports can be approved by a Minor Use Permit, which could allow modifications to the above standards.
- D. Public Utility Distribution Lines.** Public utility distribution and transmission lines, if underground, shall be permitted in all zoning districts without a zoning permit as are small public utility structures, such as transformers. However, overhead lines shall require a Conditional Use Permit in all zoning districts.

20.44.120 Single Room Occupancy

A. Location. A single-room occupancy (SRO) use, including college dormitories, shall not be located within 300 feet of any other SRO use or emergency shelter, unless such use is located within the same building, on the same lot, or on the same college campus.

B. Development Standards.

1. SRO units shall have a minimum size of 150 square feet and a maximum of 1200 square feet.
2. Each unit shall accommodate a maximum of two persons.
3. SRO uses shall provide adequate exterior security lighting.
4. Laundry facilities must be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof, with at least one washer and dryer per floor.
5. An SRO unit is not required to, but may contain, partial or full bathroom facilities.
 - a. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower, or bathtub/shower combination.
 - b. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the currently adopted Building Code for congregate residences with at least one full bathroom per 10 units or one per floor, whichever is greater.



6. A partial or full kitchen facility may be provided in each unit, but is not required.
 - a. A full kitchen includes a sink, a refrigerator and stove, range top, or oven. A partial kitchen is missing at least one of these appliances.
 - b. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor. If meals are provided, one large cafeteria or dining facility may substitute for the individual kitchens.
7. Each SRO unit shall have a separate closet.
8. Each SRO unit shall comply with all requirements of the currently adopted Building Code, and all units and common areas shall meet applicable accessibility and reasonable accommodation requirements.

C. Management Standards.

1. An SRO facility with 10 or more units shall provide on-site management.
2. An SRO facility with less than 10 units may provide a management office off-site.

D. Tenancy. Tenancy of SRO units shall not be for less than 30 days.**E. Existing Structure.** An existing structure may be converted to an SRO facility, consistent with the provisions of this section. Any such conversion must bring the entire structure up to current building code standards, including accessibility and adaptability standards, unless otherwise exempted by the City Building Official.**20.44.130 Underground Storage Tanks****A. Location Requirement.** All underground storage tanks (except for those that store only water) shall be located a minimum of 450 feet away from any parcel containing a City water well.**B. Exemption.** Underground storage tanks existing prior to the adoption of Ordinance No. 2220 (effective date of January 6, 2006) shall be exempted from the above requirements.**C. Removal or Relocation.** When leakage is discovered from tanks located within 450 feet of any parcel with a City water well, then the leaking tank shall be removed immediately and relocated away from any City water well site in accordance with this section.**20.44.140 Wrecking and Salvage Establishments****A. General Requirements.** All wrecking and salvage establishments shall be in compliance with Chapter 5.32 (Wrecking Establishments) of the Merced Municipal Code.**B. Permits.** A Conditional Use Permit is required to establish or operate any wrecking and salvage establishments.**C. Location Standards.**

1. Wrecking and salvage establishments shall be only located in C-G, C-T, I-L, and I-H zoning districts.
2. Wrecking and salvage establishments shall not be located within 500 feet of a residential zoning district, churches, schools, hospitals, playgrounds, public parks, and any other similar uses as determined by the Director of Development Services.

3. No wrecking and salvage establishments shall be located within 100 feet from any highway right-of-way unless the area is zoned industrial or used for industrial uses.

D. Performance Standards. Wrecking and salvage establishments shall comply with the following performance standards:

1. **Noise.** Operation shall be in compliance with standards in the Noise Element of the Merced General Plan.
2. **Vibration.** No vibration of the ground shall be permitted beyond the property line.
3. **Screening.**
 - a. Wrecking and salvage establishments shall be conducted entirely behind a solid wall or board fence not less than 8 feet high, but may be higher per the requirements of Chapter 20.30 (Walls and Fences). Materials shall not be stored above the height of the wall or fence.
 - b. The Planning Commission may require, among other special considerations, a planted barrier of evergreen trees.
4. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m.
5. **Cleanup.** In case of a revoked or denied permit, applicant shall clean up the site properly within six months of the decision date.

20.44.150 Emergency Shelters

- A. Permits.** Emergency shelters are principally-permitted uses in the C-G zone. Permits required in other zones are shown in the land use regulation tables in Part 2 (Zoning Districts).



B. Development Standards.

1. **Beds.** The maximum number of beds on a property is 200.
2. **Parking.** Off-street parking is required as shown in Section 20.38 (Parking and Loading).
3. **Lighting.** Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas and shall be shielded and reflected away from adjacent uses.
4. **Management/Security.** Adequate management, support staff, and security must be present during the hours of operation, with a minimum of 1 supervisory staff member, and 1 employee of the same gender as clients.

5. **Length of Stay.** The maximum length of stay shall be no longer than that established by the California Health and Safety Code for emergency shelters.
6. **Outdoor Activity.** Outdoor Activity shall be allowed only during the hours of 8:00 a.m. to 10:00 p.m.
7. **Pets.** If pets are allowed, all pets shall be housed within the emergency shelter or within cages in a protected area.
8. **Services.** Supportive services may include counseling, medical services, showers, and laundry facilities within the facility.



20.44.160 Tobacco Sales Prohibited Near Schools

- A. Prohibited within 1,000 Feet of Schools and Other Youth-Oriented Facilities.** New tobacco retailers (including the sale of cigarettes, cigars, e-cigarettes, smokeless tobacco, and all other tobacco products or paraphernalia restricted by the State of California for sale to minors) are prohibited within 1,000 feet of any parcel which is presently legally occupied by the following:



1. Any public or private elementary, middle, junior high, or high school;
2. Playgrounds, parks, youth centers, City-owned and operated recreational facilities, and libraries.



B. Measurement and Exceptions.

1. **Measurement.** 1,000 feet shall be measured in a straight line from the nearest point on the property boundary to the nearest point of the other property boundary.
2. **Exceptions**
 - a. The above prohibition does not apply to any tobacco retailer which is operating legally and continues to operate with a suspension of no more than 90 days at its current location as of the date of this ordinance.
 - b. The above prohibition does not apply to a tobacco retailer which occupies in its entirety a building of more than 20,000 square feet.



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.

