

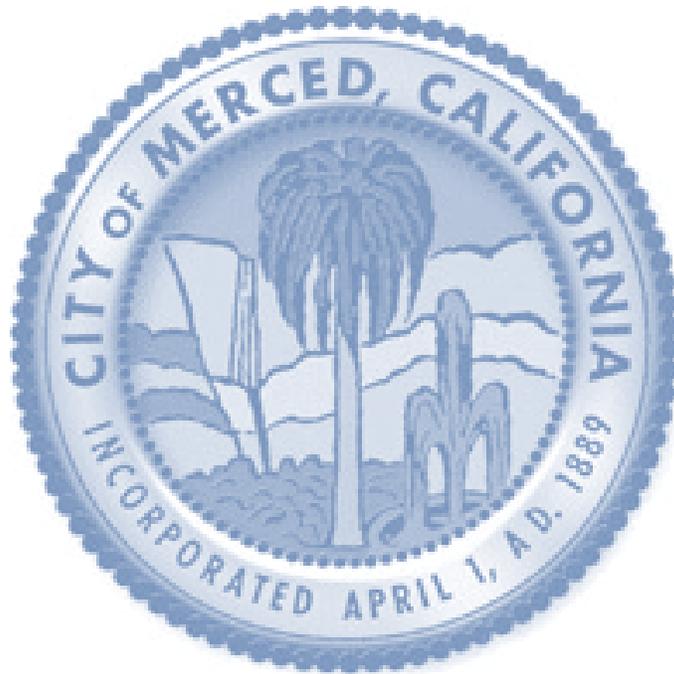


City of Merced Zoning Ordinance

PART 5

GLOSSARY (DEFINITIONS)

Chapter 20.90 -- GLOSSARY (DEFINITIONS)	289
20.90.010 Purpose	285
20.90.020 Definitions.....	285





CHAPTER 20.90 – GLOSSARY (DEFINITIONS)

Sections:

20.90.010 Purpose

20.90.020 Definitions

20.90.010 Purpose

This chapter provides definitions of terms and phrases used in the Zoning Ordinance that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the Municipal Code, these definitions shall control for only the provisions of this Zoning Code. If a word is not defined in this chapter or in other chapters of the Zoning Ordinance, the Director of Development Services shall determine the appropriate definition.

20.90.020 Definitions

1. *Accessory Structure.* A structure that is subordinate to a primary structure such as a single-family dwelling or an allowed use within a zone. The use of an accessory structure is incidental to that of the primary structure or a use allowed by a zone. Excluded from this definition are trash enclosures, planter boxes with a maximum height of 42 inches, small-animal pet shelters, playground equipment, small sheds not subject to a building permit, and similar structures.
2. *Accessory Use.* A use subordinate to the principal use of a building on the same premises and serving a purpose customarily incidental to the primary use.
3. *Addition.* A structural expansion that is physically connected to a previously existing building.
4. *Adult Entertainment Businesses.* See Merced Municipal Code Chapter 5.58 (Adult Entertainment Businesses).



5. *Agricultural Processing.* The cooking, dehydrating, refining, milling, pressing, or other treatment of agricultural products that changes the naturally grown product for consumer use or for further processing, and receiving agricultural products from other growers for such processing. Examples of Agricultural Processing uses include cold storage houses; wineries, hulling operations for on-site or off-site products; fruit dehydrators; dryers, and the sorting, cleaning, packing, bottling, storing, or warehousing, pruning and sale of orchard and farm wood, and the wholesaling, transportation and distribution of agricultural products.



6. *Airports and Heliports.* A specified area designed and used for the landing and takeoff of aircraft, including airplanes and helicopters.

7. *Airport Land Use Compatibility Plan (ALUCP).* A master plan prepared in accordance with Public Utilities Code Section 21670 et seq. which provides for the orderly growth of airports and provides measures for mitigating the public's exposure to excessive noise and safety hazards within areas around public airports.

8. *Alcoholic Beverage Sales.* A facility selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

9. *Alley.* A roadway no wider than 22 feet that functions as a secondary means of access to abutting property.

10. *Animal Keeping.* The keeping of cattle, sheep, goats, hogs, or other livestock on farms, rangeland, or pasture. This definition excludes slaughterhouses and animal product production uses.

11. *Automobile Repair.* See "Vehicle Repair."



12. *Bail Bond Business.* A commercial establishment that provides funds to a defendant to guarantee that the defendant will appear in court at a scheduled time.

13. *Banks, Retail.* Financial institutions providing on-site banking services to customers. This definition includes only those institutions engaged in the on-site circulation of money, but excludes check-cashing establishments.



14. *Bars.* Any area devoted to serving 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. Bars in restaurants shall not include the restaurant dining area. This definition includes cocktail lounges, lounges, taverns, and other similar uses.
15. *Base Zoning District.* The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.



16. *Bed and Breakfast.* A structure with one or more managers in permanent residence and from one to six guest rooms without individual cooking facilities rented for overnight lodging, and serving at least one meal per day. This definition excludes hotels and motels, but includes hostels. See Section 20.44.030.

17. *Beginning of Construction.*

Incorporation of labor and material within the foundation of the buildings.

18. *Billboard.* Any sign or sign structure not devoted to use of the property upon which it is located.
19. *Boarding or lodging house.* A dwelling or part where meals and/or lodging are provided, for compensation, for persons not transients.
20. *Building.* Any structure having a permanent foundation and a roof supported by columns, or by walls.
21. *Building Coverage.* All of the area of any building site occupied by any main building or accessory buildings, which is calculated by adding the areas computed from the outside dimension of buildings.
22. *Building Supplies and Home Improvement Stores.* A retail establishment selling primarily home improvement products and/or building supplies. Generally, stores are very large carrying various building and home improvement supplies, including lumber, building materials, paint, garden supplies, hardware, flooring, and plumbing materials.



23. *Business Support Services.* An establishment that provides services to other businesses on a fee or contract basis. This definition includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.



24. *By-Right.* Permitted without any form of discretionary approval.
25. *Cardroom.* A gaming establishment that exclusively offers card games for play by the public in accordance with Chapter 9.08 (Gaming). This definition excludes casino related establishments.
26. *Caretaker's Home.* A permanent residence that is provided as an accessory use to a non-residential use, and is used to house an owner, operator, guard or caretaker, and his or her family, to provide around-the-clock service, support, care or monitoring of the use and/or site.
27. *Cemeteries and Mausoleums.* A place used for the interment of human or animal remains or cremated remains. This definition includes burial parks, crematoriums, mausoleums, columbarium, associated sales and maintenance facilities, and other similar land uses.



28. *Centerline.* The right-of-way centerline for a street or alley, as established by official survey.

29. *Check Cashing/Payday Loan Establishments.* A business, other than a bank or similar financial institution, which cashes checks for a fee or provides payday loans as a principal business activity.

30. *City Council.* The City Council of the City of Merced.

31. *Cocktail Lounges.* See "Bars."

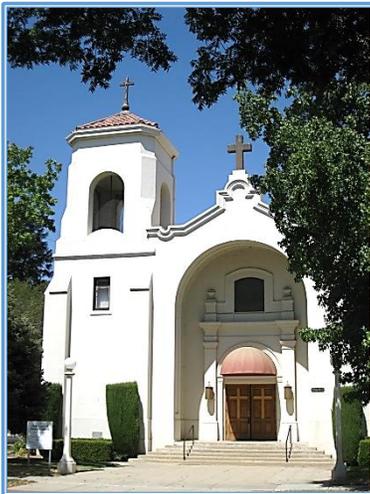
32. *Colleges and Trade Schools.* A private or public institution that provides full-time or part-time education beyond high school and grants associate, bachelor, or similar higher degrees. This definition includes Trade and vocational schools, which provides vocational training for people beyond high school. This definition also includes specialized instructional establishments that provide on-site training of business, commercial, or trade skills.



33. *Commercial Recreation, Indoor.* An establishment that provides entertainment activities or services in an indoor setting for a fee or admission charge. This definition includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, fitness centers, commercial gymnasiums, dancehalls, and movie theatres. Establishments such as a restaurant or laundromat that offer less than six game machines to its customers as an accessory use are excluded from this definition.



34. *Commercial Recreation, Outdoor.* An establishment that provides entertainment activities or services outside of a building for a fee or admission charge. This definition includes golf driving ranges, water parks, amusement parks, fairgrounds, commercial sports centers, commercial camps and campgrounds, and other similar uses.



35. *Community Assembly.* A facility that provides meeting space for public gatherings. This definition includes places of worship, community centers, club meeting space, social halls, and other similar public or quasi-public uses.

36. *Community Garden.* An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into

separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

37. *Conditional Use Permit.* A discretionary permit approved by the Planning Commission to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public.
38. *Conditional Zoning.* A discretionary action approved by the City Council to ensure that proposed zoning changes do not create negative impacts to the community or public service provision. See Chapter 20.78 (Conditional Zoning).

39. *Condominium.* An undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan.



40. *Construction and Material Yards.* A large structure or area that stores materials used in new construction.

41. *Corner Triangle.* The triangular area created by a line connecting points along the front and side lot lines, which points are established 40 feet in distance from the intersection of the extension of such front and side lot lines within the street right-of-way, and by a line connecting points along the front lot line and driveway apron, which points are established 10 feet in distance from the intersection of the extension of such front lot line and driveway apron within the perpendicular to the street right-of-way. (See Section 20.30.030).



42. *Crop Cultivation.* The growing and harvesting of agricultural produce for food and fiber. This definition includes farms (including farmworker housing), orchards, groves, greenhouses, lath houses, horticultural nurseries, and nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds. This definition excludes growing of marijuana and any onsite sale of products.

43. *Cultural Institution.* A public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. This definition includes libraries, museums, art galleries, performing art centers and theatres, and other similar uses.



44. *Curb Cut.* The length of the opening along a street curb providing access to a driveway from an abutting street.



45. *Dancehall.* See “Nightclubs.”
46. *Day Care Center.* A facility that provides non-medical care and supervision of minors for periods of less than 24 hours. This definition includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.



47. *Day Care Home Facilities.* A facility providing daytime supervision and care for adults, children, or elderly located in the provider’s own home. Day care home facilities serve 14 persons or less.

48. *Day Care Home Facilities, Large Family.* A day care home facility with 9 to 14 children, including children under 10 years of age who reside in the home.
49. *Day Care Home Facilities, Small Family.* A day care home facility with 8 children or less, including children under 10 years of age who reside in the home.

50. *Decorative Wall.* A wall that serves as a component of the site or landscape design, or a wall that functions as a connection between buildings to screen parking lots or mechanical equipment, or as a retaining wall or an architectural or landscape feature.

51. *Density Bonus.* An increase in the maximum number of residential dwelling units that are allowed on a site, granted in exchange for affordability restrictions and one or more concessions that constitute a specified public benefit. See Chapter 20.56 (Density Bonus).



52. *Density, Residential.* The number of dwelling units per acre.
53. *Development.* Any human-caused change to land that requires a permit or approval from the City.
54. *Development Agreement.* A contract between the City and an applicant for a development project, approved by the City Council. (See Chapter 20.86.)
55. *Development Standards.* Regulations that limit the size, bulk, or placement of structures or other improvements and modifications to a site.

56. *Director of Development Services.* The Director of Development Services (or “Development Services Director”) for the City of Merced who serves as a review authority on permit and approval applications as shown in Table 20.66-1 (Review



and Decision-Making Authority), and refers action on permits, approvals, or interpretations, as needed to the Planning Commission.

57. *Discretionary Approval.* An action by the City by which individual judgment is used as a basis to approve or deny a proposed project.

58. *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.

59. *Drive-Through and Drive-Up Sales.* A facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. This definition includes drive-through restaurants, drive-in restaurants, fast-food restaurants with drive-through driveway, coffee shops, pharmacies, banks, automatic car washes, and other similar land uses.



60. *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.



61. *Duplex Home.* A residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.



62. *Dwelling or Dwelling Unit.* 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, cooking range and oven.

63. *Dwelling Group.* Dwelling group means a group of two (2) or more detached single, duplex, or multiple dwellings located on a parcel of land in one (1) ownership.



64. *Dwelling, Multiple-family.* Multiple-family dwelling means a building or portion thereof designed for or used by three (3) or more households with separate housekeeping facilities for each.

65. *Dwelling, Single-family.* Single-family dwelling means a building designed for or used exclusively for residence purposes by one (1) household.

66. *Dwelling, Two-family or Duplex.* See "Duplex Home."

67. *Easement.* A space on a parcel of land, indicated on a subdivision map or in a deed restriction, where the owner has granted one or more property rights to a person, corporation, public agency, or other entity.



68. *Emergency Shelter.* Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

69. *Equipment Sales and Rental.* Businesses selling or renting tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment. Equipment Sales and Rental uses may include the storage, maintenance, and servicing of such equipment.



70. *Farmers Market.* A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.



71. *Farmworker Housing.* Employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designated for use by a single family or household. Employee housing shall be deemed an “agricultural” use of property and is subject only to the same requirements than all other agricultural uses in each zoning district.

Employees do not have to work on the property where the employee housing is located.



72. *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.

73. *Fence.* A structure connected by boards, masonry, rails, panels, wire, or any other acceptable building material for the purpose of enclosing space or separating parcels of land. This definition also includes gates and hedges.



74. *Flea Market.* An open market that opens on a regular schedule where people rent spaces to sell or exchange merchandise on trucks or temporary stands.

75. *Floor Area.* The sum of the horizontal areas of each floor of a structure, measured from the interior faces.

76. *Floor Area Ratio (FAR).* The gross floor area of a building, including the garage area, divided by the total lot area of the parcel on which the building is situated.

77. *Foster Family Homes.* A home where the caregiver, in their own home, provides care and supervision for foster children and the caregiver has control of the property. This also includes sibling care for up to eight children provided the requirements of Section 1505.2 of the Health and Safety Code are met.
78. *Foster Family Homes, Large.* A foster family home with more than 6 persons.
79. *Foster Family Home, Small.* A foster family home with 6 persons or fewer.
80. *Freight Terminal.* A facility where goods and cargo are stored, unloaded, and loaded as part of a process for shipment and distribution.

81. *Front/Frontage.* A portion of a lot or building which faces a street.

82. *Funeral Parlors and Mortuaries.* An establishment primarily engaged in the provision of services



involving the care, preparation, or disposition of the human dead. This definition includes areas for assembly services and living quarters for the funeral parlor manager.



83. *Gas and Service Stations.* Any facility used primarily for the retail sale and dispensation of motor fuels, lubricants, and motor vehicle

accessories. Included in this definition are incidental food and beverage sales (also widely known as convenience market) and car wash facilities.

84. *Golf Courses.* An area of land used for the playing of golf, consisting of at least nine holes, and improved with tees, greens, fairways, and hazards. This definition includes accessory uses such as driving ranges, pro shops, restaurants, and other similar uses.



85. *Government Offices.* A place of employment occupied by governmental agencies and their employees. This definition includes offices for administrative, clerical, and public contact functions; post offices; and other similar land uses.



86. *Grading.* The act of excavation, cutting, or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property.

87. *Group Housing.* Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This definition includes rooming and



boarding houses, dormitories, transitional and supportive housing, farmworker housing, and other types of organizational housing. Excludes facilities included in Hotels and Motels, extended stay hotels, or fraternity or sorority homes.

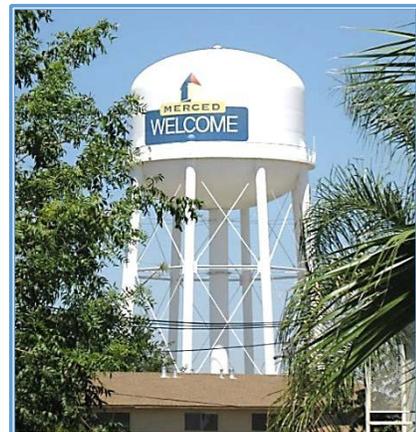
88. *Guest House.* A detached habitable structure, which does not contain kitchen facilities and which is designed for and used to house nonpaying transients, visitors, or guests of the occupants of the primary dwelling.

89. *Habitable Structure.* A structure that meets the requirements of the California Building Code for habitable living area.

90. *Hazardous Waste.* Any refuse or discarded material that cannot be handled by routine waste management techniques because it poses a threat to human health or other living organisms because of its chemical, biological, or physical properties.

91. *Hearing Officer.* "Hearing officer" means a person designated by the City Council to conduct hearings as set forth in Chapter 20.98 of this code. A hearing officer shall be selected in a manner that avoids the potential for pecuniary interest or other bias. The compensation, if any, of the hearing officer shall be paid by the City and shall not be conditioned on achieving a particular result or outcome.

92. *Height, Building.* The vertical distance from the average level of the ground level at the front wall of the building to the highest point of the building, excluding chimneys and other building accessories as specified in Chapter 20.24 (Height Measurement and Exceptions).



93. *Home Occupation.* The conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property. Generally, home occupations do not create additional traffic impact by employees or customers, and any other impact associated with businesses.



94. *Home Occupation, Major.* Home occupation businesses that creates minor increase in traffic and other impacts, such as employees, parking, deliveries, and, therefore, require additional review before approval. Types of major home occupations include photo/art studios, one-on-one instruction such as tutoring, music or swim lessons, small offices w/employee(s), and other similar uses.

95. *Home Occupation, Minor.* Home occupation with no additional traffic, employees, or other impact, such as customers coming to the home. Types of minor home occupations include professional offices for accountants, architects, computer programmer, engineers or other similar profession; telephone and online sales and survey; and other domestic services, including cottage food, laundry, ironing, and sewing.

96. *Hookah Lounge.* A commercial establishment where groups of people gather around a table with hookah pipes to smoke flavored tobacco.

97. *Hospital.* A medical facility engaged primarily in the provision of diagnostic services and extensive medical treatment, including surgical services and in-patient beds.



98. *Hotels and Motels.* A facility containing guestrooms where lodging is provided for a fee, with or without cooking facilities in individual rooms or suites. Included in this definition are meeting facilities, personal services, recreational facilities, small food service areas, and retail sales that are incidental to guestroom facilities and intended to primarily serve hotel or motel guests. Includes extended stay hotels.



99. *Household.* Household means one (1) or more persons, whether or not related by blood, marriage or adoption, sharing a dwelling unit and using a single common cooking facility in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household.

100. *Impervious Surface.* Any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.



101. *Instructional Services.* A commercial establishment providing specialized programs in personal growth and development such as music, martial arts, vocal, fitness, gymnastics, and dancing instruction.

102. *Intensity.* The amount of an area that is developed as measured by a variety of means, including lot coverage, building massing, floor to area ration (FAR), or building square footage.

103. *Interior remodel.* A change or alteration in only the interior of a building that does not increase its net square footage.

104. *Kennels.* Any enclosure, premises, building, structure, lot, or area in or on which six or more dogs, cats, or other similar household pets not owned by the kennel operator and of at least 4 months of age are kept, harbored, or maintained. This definition includes pet day care facilities and animal shelters, but excludes pet shops and animal hospitals that provide twenty-four-hour accommodation of animals receiving medical or grooming services.



105. *Landscaping.* The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

106. *Laundry Plant.* A central processing facility for cleaning of clothing and fabrics collected from and returned to patrons and to dry cleaning and laundry establishments.

107. *Legislative Action Agreement.* A contract between the City and an applicant for legislative actions, approved by the City Council. See Section 20.72.040 (Legislative Action Agreement).

108. *Live/Work Unit.* A building or space within a building that is used jointly for commercial and residential purposes. Applies to caretakers of visitor-serving properties.



109. *Loading Space.* A space or berth that is on the same site with a building or contiguous to a group of buildings, that is designed for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and that can be accessed from a street or alley.

110. *Lot.* A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as required in this title. Such lots shall have frontage on public street, and may consist of: a) a single lot of record; b) a portion of a lot of record; c) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or d) a parcel of land described by metes and bounds; provided, that in no case of division or combination shall any



residual lot or parcel be created which does not meet the requirements of this title. Notwithstanding the above, where a shopping center, multiple-use building, or one (1) tenant, business or enterprise and any accessory use(s) occupies two (2) or more contiguous lots, such lots shall be considered as one (1) lot for purposes of signage limitations. (See also, "Parcel.")

111. *Lot Area.* The total computed area contained within the property lines of a parcel of land.

112. *Lot, Corner.* Corner lot means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street. If the angle of intersection is more than one hundred thirty-five degrees, the lot is an "interior lot." The point of intersection of the street right-of-way lines or the extension of the lines to a point is the corner.

113. *Lot Coverage.* The area of a lot occupied by buildings, structures, and required parking areas unobstructed from the ground upward. Lot coverage does not include fences, walls, hedges, swimming pools or uncovered patios.
114. *Lot Depth.* The horizontal distance between the midpoint of the front and rear property lines. For irregularly shaped lots, the parcel depth shall be as determined by the Director of Development Services.
- 
115. *Lot, Flag, or Panhandle Lot.* A lot connected to the street with a narrow access portion less than forty feet wide and more than twenty feet long and situated so that another lot is located between the main portion of the flag lot and the street.
116. *Lot, Interior.* A lot other than a corner lot.
117. *Lot Line.* The property line bounding a lot.
118. *Lot Line, Exterior.* Any lot line separating a lot from a street.
- Front Lot Line.* The shortest exterior lot line on any lot.
 - Side Street Lot Line.* Any exterior lot line other than the front line (corner lot).
119. *Lot Line, Interior.* Any lot line not an exterior lot line.
- Rear Lot Line.* The interior lot line opposite and most distant from the front lot line.
 - Side Lot Line.* Any interior lot line other than the rear lot line.
 - Alley Lot Line.* Any lot line separating a lot from an alley.
120. *Lot, Reverse Corner.* A corner lot, the rear of which abuts the side of another lot.
121. *Lot, Through.* A lot with frontage on two parallel or approximately parallel streets.
122. *Lot Width.* The horizontal distance between the side property lines, measured at right angle to the side property lines at a point midway between the front and rear property lines. For irregularly shaped lots, the parcel width shall be as determined by the Director of Development Services.
123. *Maintenance and Repair Services.* Businesses which provide construction, maintenance and repair services off-site, but which store equipment and materials or perform fabrication or similar work on-site. This definition includes off-site plumbing shops, general contractors, contractor's storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

124. *Manufacturing and Processing, General.* Any establishment engaged in any of the following activities within enclosed structures: manufacturing or compounding of raw materials, agriculture product and food processing, manufacturing of finished products or parts from predominantly previously prepared materials, fabrication, assembly, processing, or distribution.



125. *Manufacturing and Processing, Heavy.* An establishment engaged in manufacturing or processing that necessitates the storage of large volumes of potentially flammable, toxic, explosive, or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses.
126. *Manufacturing and Processing, Light.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.
127. *Massage Establishments.* A facility that offers massage as defined in Chapter 5.44 (Massage Establishments) of the Merced Municipal Code.
128. *Medical Offices and Clinics.* A facility where medical, mental, dental, or other personal health services for humans are provided on an outpatient basis using specialized equipment. This definition includes offices providing medical services and containing medical professionals such as physicians, dentists, optometrists, or other similar medical professionals. Hospitals are excluded from this definition.



129. *Minor Use Permit.* A discretionary permit approved by the Director of Development Services to ensure that a proposed minor use is consistent with all

General Plan goals and policies and will not create negative impacts to adjacent properties or the general public.

130. *Mixed Use.* Two or more different land uses located in one structure or on one parcel or development site.

131. *Mobile Home.* A housing structure transportable in one or more sections, designed and equipped to be used with or without a foundation system, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S. Section 5401 et seq). Mobile home does not include recreational vehicle, commercial coach, or factory built housing as defined in Section 19971 of the Health and Safety Code. All mobile homes are required to be on a permanent foundation and to be hooked up to City's water and sewer.



132. *Mobile Home Park.* A residential development designed and developed for occupancy by mobile homes and manufactured housing.



133. *Mobile Food Vendors.* Businesses selling food or non-alcoholic drink from temporary and semi-permanent structures or mobile equipment, like food trucks or pushcarts. Examples include food trucks, refreshment stands, roadside stands, and push-carts. Regulations on hours of operation, time limits on parking, etc., are outlined in Chapter 5.54 (Street and Sidewalk Vendors). Mobile food vendors that park in a permanent location are regulated under Section 20.44.020 (Food Trucks Parked in Fixed Locations).

134. *Mobile Home Sales.* A facility selling pre-manufactured homes, such as mobile homes or trailers, to customers. This definition includes facilities displaying multiple mobile homes or trailers on-site, or offices with storage of homes in a separate location.

135. *Mobile Vendors (Non-Food).* Businesses selling non-food items or services (dog-grooming, auto glass, etc.) from temporary and semi-permanent structures or mobile equipment. Such uses shall be subject to the same zoning standards and regulations as similar uses that are non-mobile.

136. *Multiple-Family Dwellings.* A residential structure that contains three or more dwelling units. Each unit within a multiple-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Examples include apartment buildings, residential condominiums, attached townhouses, fraternity or sorority houses, and boarding homes.



137. *New construction.* A new building not physically connected to a previously existing building.

138. *Nightclubs.* A commercial establishment that serves alcohol for onsite consumption and which provides live music, music videos, and/or disk jockeys, as well as area to dance or participate in regularly featured entertainment activities and events that include, but not limited to, drinking games. This definition also includes a commercial establishment catering



to adult patrons that are 18 years of age and older that does not serve alcohol for consumption on the premises, but provides live music, music videos, or disk jockeys, as well as a place for dancing, like a dance hall.

139. *Nonconforming Structure.* A structure that was lawfully constructed, but that no longer conforms with the development standards of the zone in which it is located.

140. *Nonconforming Use.* A use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zone in which it is located.

141. *Nonhabitable residential structure.* A building on a residential property that is not legally habitable, such as a garage or shed.



142. *Nonresidential.* A structure that does not meet the definition of residential.

143. *Nursing and Convalescent Homes.* An establishment providing long-term and 24-hour nursing and personal care for the elderly or for other individuals incapacitated in some manner for medical reasons.

144. *Office, "Back".* Offices principally used for clerical, data processing, phone or internet sales, or support staff functions and related services, which do not serve customers in person.

145. *Office, Professional.* A place of employment occupied by businesses providing professional services. This definition includes offices for accountants, advertising agencies, insurance agents, commercial art and design services, non-retail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, real-estate agents, and other similar professions.

146. *Overlay Zoning District.* An additional zoning district as shown on the Zoning Map that prescribes special regulations to a parcel in combination with the base zone.



147. *Owner.* The person or persons in which title is vested or a duly authorized agent of such owner.

148. *Parcel.* An area or a lawfully created parcel containing the minimum square footage and frontage as required by the zone at the time the parcel was created.

149. *Parking Facilities.* A facility used for the parking and storage of vehicles as the primary use on the lot.

150. *Parking Lots.* An open area, other than a street or other public way, used for the parking of vehicles and available to the public whether for a fee, free, or as an accommodation of clients or customers. Off-street parking required by this title to serve an on-site land use is excluded from



this definition.



151. *Parks and Recreational Facilities.* A non-commercial public facility that provides active or passive recreational opportunities. This definition includes community parks, regional parks, community centers, urban plazas, ball fields, tennis courts, indoor and outdoor swimming pools, gymnasiums, and other similar facilities. Limited service commercial activity

that is directly related to the recreation activity conducted on site is also included in this definition.

152. *Pawn Shop.* A retail establishment that not only buys and sells items but also offers secured loans to people, with items of personal property used as collateral.



153. *Permit.* The approval by the City authorizing the applicant to undertake certain land use activities.

154. *Permitted Use.* A Permitted Use as set forth under Part 2 of the Zoning Ordinance may be a use allowed by right with no discretionary review and approval, administratively permitted, or conditionally permitted in its applicable zone.

155. *Personal Services.* An establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. This definition includes beauty salon, barber shops, pet grooming services, veterinary clinics, tanning salons, nail salons, tailors, laundromats, dry cleaners, and other similar land uses.



156. *Photovoltaic Energy Systems.* An arrangement of components designed to supply usable electric power for a variety of purposes using the sun as the power source.

157. *Planning Commission.* The Planning Commission of the City of Merced that approves or recommends to the City Council regarding certain land uses.

158. *Primary Frontage.* The frontage on a lot or building that has the highest traffic volume (See 17.36.380).

159. *Primary Structure.* A structure that accommodates the primary use of the site.

160. *Primary Use.* The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

161. *Public/Mini Storage.* A structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers' goods.



162. *Public Right-of-Way.* An area of land that is dedicated for public use to accommodate a transportation system or necessary public utility infrastructure (including, but not limited to, roadways, water lines, sewer lines, power lines, and gas lines).



163. *Public Safety Facility.* A facility operated by a governmental agency for the purpose of protecting public safety. This definition includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

needs of persons with disabilities. See Chapter 20.84 (Reasonable Accommodations).

164. *Reasonable Accommodation.* An adjustment to a provision within the Zoning Ordinance to accommodate the

165. *Recycling Collection Facility.* A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

166. *Recycling, Small Collection Facility.* A collection facility that occupies an area 500 square feet or less. May include a mobile unit, bulk reverse vending machines, or a grouping of reverse vending machines occupying more than 5 square feet, kiosk type units which may include permanent structures, or unattended containers placed for the donation of recyclable materials.

167. *Recycling, Large Collection Facility.* A collection facility with attendant that occupies an area of more than 500 square feet and may include permanent structures.



168. *Recycling Processing Facility.* A building or enclosed space used for the collection and processing of recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

169. *Rehabilitation Centers.* A facility that provides therapy and/or training for rehabilitation. This definition includes drug and alcohol rehabilitation centers, methadone rehabilitation center, therapeutic and rehabilitation offices, and other similar uses.

170. *Remodel.* A change or alteration in a building that does not increase its net square footage.
171. *Renewable Energy Structure.* A structure or installation such as a windmill, solar collecting array, or geothermal system, which is designed and intended to produce energy from natural forces such as wind, sunlight, or geothermal heat.
172. *Research and Development.* A business that engages in research, testing, and development of commercial products or services in technology-intensive fields. Research and development land uses do not involve the mass manufacture, fabrication, processing, or sale of consumer products, and do not produce dust, smoke, fumes, odors or noise at levels that would affect surrounding uses. Prototype development and product testing may be included as part of a research and development land use. Examples of research and development land uses include bio-technology laboratories, alternative energy technology development, agricultural research, and aviation and aerospace technology development.



173. *Residential.* A structure that is single-family, an accessory dwelling unit, or a multi-family residence.
174. *Residential Care Facility.* A state-licensed residential facility providing social and personal care for residents. Examples include children's homes, homes for the elderly, orphanages, self-help group homes, and transitional and supportive housing for homeless individuals. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.
175. *Residential Care Facility, Large.* A residential care facility for 7 or more persons.
176. *Residential Care Facility, Small.* A residential care facility for 6 or fewer persons.
177. *Residential Mixed Use.* A development mixed with different types of residential uses, from single-family dwellings to multiple-family dwellings.



178. *Restaurant*. A retail business that primarily sells cooked or hot ready-to-eat food or beverages, including bakeries, delis, caterers, as well as sit-down and take-away food restaurants. This definition excludes facilities included in the *Drive-Through and Drive-Up Sales* definitions, including drive-in restaurants, drive-through restaurants, and fast-food restaurants.

179. *Restaurant, Full-Service*. A restaurant where customers order their food on table and pay after eating. Kitchen should be equipped with appropriate tools to prepare food on-site. A restaurant may include sales of alcoholic beverages for consumption on the premises.



180. *Restaurant, Limited-Service*. A restaurant where customers order and pay before eating. Limited number of tables and seating may be provided. Food or beverages can be consumed on- and off-site (take out).



181. *Retail, General*. Stores and shops selling merchandise to the general public. This definition includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, and other similar retail establishments.

182. *Retail, Grocery*. A retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and raw and prepared meats, fish, and poultry.



183. *Reverse Vending Machine.* An automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State; or any automatic mechanical device which accepts money for goods or services. Examples include recycling kiosks, water machines, and Red Box DVD rentals. It is only permitted as an ancillary use to principal uses.



184. *Review Authority.* The City official or City body that is responsible, under the provisions of the Zoning Ordinance, for approving or denying a permit application or other request for official City approval.



185. *Schools, Public or Private.* Facilities for education, including elementary, junior high, and high schools, both public and private.

186. *Second Units or Secondary Dwelling Units.* 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. 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).

187. *Setback.* The minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way to the nearest vertical wall or other element of a building or structure as defined in this chapter. Location points of measurement on buildings or structures are subject to the exceptions in Chapter 20.26 (Setback Measurement and Projections).

188. *Sign, Area of.* The total surface area of that part of a sign, sign structure, wall, or window that carries any sort of written or graphic material or in any way conveys a message.
189. *Sign, Directory.* A sign containing no pictorial matter and only the minimum amount of reading matter necessary to identify the names, professions, and locations of the occupants of the building to which the sign is appurtenant.
190. *Shopping Center.* A group of businesses which function as an integral unit on a single parcel or on contiguous parcels and which utilize common off-street parking and access (Refer to Section 17.36.400-Signs).



191. *Single-Family Dwelling.* A residential structure designed for occupancy by one household. A single-family home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

192. *Single-Room Occupancy.* A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, rented to one- or two-person households for a monthly period of time. This definition does not include hotels and motels, but does include college dormitories.
193. *Site.* A parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.



194. *Site Area.* The total area included within the boundaries of a site.
195. *Site Plan Review Committee.* A three member committee made up of the Director of Development Services, the City Engineer, and the Chief Building Official or their designees that acts as the review authority for Site Plan Review applications and provides recommendations on Special Project Permit applications.

196. *Site Plan Review Permit.* A discretionary permit approved by the Site Plan Review Committee to ensure a project complies with the Zoning Ordinance and does not create negative impacts to adjacent properties or the general public.
197. *Social Assistance Services.* A facility that provides social services directly to persons in need. This definition includes food banks, soup kitchens, crisis centers, rescue missions, and other similar land uses.
198. *Solid Wall or Fence.* A continuous, nontransparent vertical surface. A chain link fence with a single layer of insert (slats) shall not be considered as a solid wall or fence.
199. *Special Project Permit.* A discretionary permit (see MMC 20.68.060) approved by the Planning Commission to facilitate the ease of implementation of General Plan land use goals and to encourage the use of high quality, innovative methods to meet General Plan land use goals.



200. *Sports Stadium or Arenas.* A large facility primarily designed for sports and entertainment venues, including various sports and concerts and shows, and large gatherings or meetings. The facility generally

provides seating for a large audience. The facility may be open air or covered by either a fixed or a retractable roof.

201. *Story.* A portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between any floor and the ceiling next above it.
202. *Street.* The surface of and the space above any public street, road highway, thoroughfare, way, court, parkway, drive, or other such interest or place over which there is public control or direction as to the use or occupancy thereof, which now or hereafter shall exist with the City, but shall exclude alleys or sidewalks.



203. *Structure*. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, but not including fences or walls used as fences, less than 6 feet in height.



Structures must be joined by a common wall.

204. *Structures, Primary*. A structure that accommodates the primary land use of the site.

205. *Supportive Housing*. Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite

or offsite services that assist the resident in retaining the housing, improving his or her health, and maximizing his or her ability to live and, when possible, work in the community.

206. *Tattoo Parlor*. An establishment providing permanent tattoos, piercings, and other permanent body art to paying customers.

207. *Taverns*. See "Bars."

208. *Temporary Structure*. A structure that is erected for a limited period of time, typically no longer than 180 days, and that does not permanently alter the character or physical facilities of a property.



209. *Temporary Use*. A short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than 12 months and does not permanently alter the character or physical facilities of a property.

210. *Tenants*. A business establishment or organization which occupies a building space for the purpose of performing a service or providing a commodity.



211. *Tobacco Paraphernalia*. Materials which include cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, or any other item designed for smoking, preparation, storing, or consumption of tobacco products.

212. *Tobacco Product.* Any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body (including cigarettes, e-cigarettes, cigars, pipe tobacco, smokeless tobacco, etc.), but does not include any cessation product specifically approved by the U.S. Food and Drug Administration for the use of treating tobacco or nicotine dependence.
213. *Tobacco Retailer.* Any person or business who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. This definition is without regard to the quantity of tobacco, tobacco products, or paraphernalia sold, offered for sale, exchanged, or offered for exchange.
214. *Transitional Housing.* Rental housing that provides extended shelter and supportive services to homeless individuals and households with the goal of helping them live independently and transition into permanent housing. Transitional housing operates under program requirements that call for the termination of assistance at predetermined time no less than 6 months and up to 2 years from the start of assistance.



215. *Transportation Terminal.* A facility or station where freight either originates, terminates, or is handled in the transportation process. This definition includes transportation operating facilities for commercial motor carriers and public transit agencies.

216. *Utilities, Major.* Large scale infrastructure facilities necessary to support development within Merced and the larger region. This definition includes electrical distribution lines 35 kilovolts or greater, sewage treatment plants, power generation plants, gas metering stations, electrical substations, telephone exchanges, water towers, sewer and water pumping stations, and other similar facilities.

217. *Utilities, Minor.* Infrastructure facilities that are necessary to support development within the immediate vicinity and that involve only minor structures. This definition includes a station where electric power is transformed to a distribution voltage level or where water is pumped into a local or neighborhood distribution system.



218. *Variance*. A discretionary permit approved by the Planning Commission that allows for deviation from specific and limited physical standards contained in the Zoning Ordinance.



219. *Variance, Minor*. A discretionary permit approved by the Development Services Director that allows for deviation from specific and limited physical standards contained in the Zoning Ordinance.

220. *Vehicle Parts and Accessories Sales*. A store or shop that primarily sells vehicle parts and/or accessories.

221. *Vehicle Rentals*. An establishment for the rental of new or used vehicles.



222. *Vehicle Repair and Maintenance*. An establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

223. *Vehicle Repair and Maintenance, Major*. An establishment for general repair, rebuilding, or reconditioning of engines, automobiles, or trailers. This definition includes collision services, including body, frame, or fender straightening, or repair; and overall painting or paint shop. Repair shops that are part of a vehicle sales or rental establishment on the same site are excluded from this definition.



224. *Vehicle Repair and Maintenance Minor*. An establishment providing limited vehicle repair and maintenance services. This definition includes upholstery, replacement of parts, and motor services to passenger cars and trucks not exceeding 1-½ tons capacity. This definition excludes any operation under *Automobile Repair, Major*.



225. *Vehicle Sales.* An establishment for the retail sales of new or used vehicles. This definition includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles.

226. *Warehousing, Wholesaling, and Distribution.* An establishment used primarily for the storage, selling, or distributing of goods to retailers, contractors, commercial purchasers or

other wholesalers, or to the branch or local offices of a company or organization. This definition includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, coil and fuel storage, feed storage, and other similar land uses.

227. *Wholesale Horticultural Nurseries.* A nursery that does not allow the direct on-site sale of plants and trees to visiting customers but only to businesses, including other nurseries or commercial gardeners.

228. *Wireless Communications Facility.* A facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications.

229. *Wrecking or Salvage Establishments.* A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including auto-wrecking yards, house-wrecking yards, used-lumber yards and places or yards for storage of salvaged house wrecking and structural materials



and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, the sale of used cars in operable condition, or the use of salvaged materials incidental to manufacturing operations.

230. *Yards.* The minimum distance by which a structure must be separated from a property line or other site feature.

231. *Yards, Exterior.* Any yard adjacent to an exterior lot line.

232. *Yards, Front.* An open space extending the full width of the lot measured between the building closest to the front lot line and the front lot line, which open space is unoccupied and unobstructed from the ground upward except as specified in Chapter 20.26 (Setback Measurement and Projections). The minimum distance shall be measured at all elevations from the right-of-way line of the fronting street. If the proposed location of the right-of-way line of the fronting street adopted by the City differs from that of the existing street, then the required front yard shall be measured from the future right-of-way line of the street as adopted.

233. *Yards, Interior.* Any yard adjacent to an interior lot line.

234. *Yards, Interior Side.* An open space extending from the front yard to the rear yard between the building closest to the nearest interior side lot line and the interior side lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified in Chapter



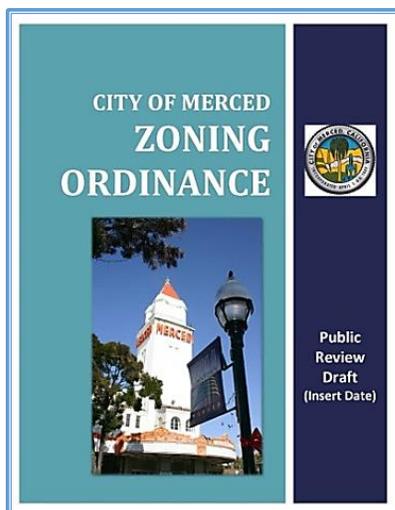
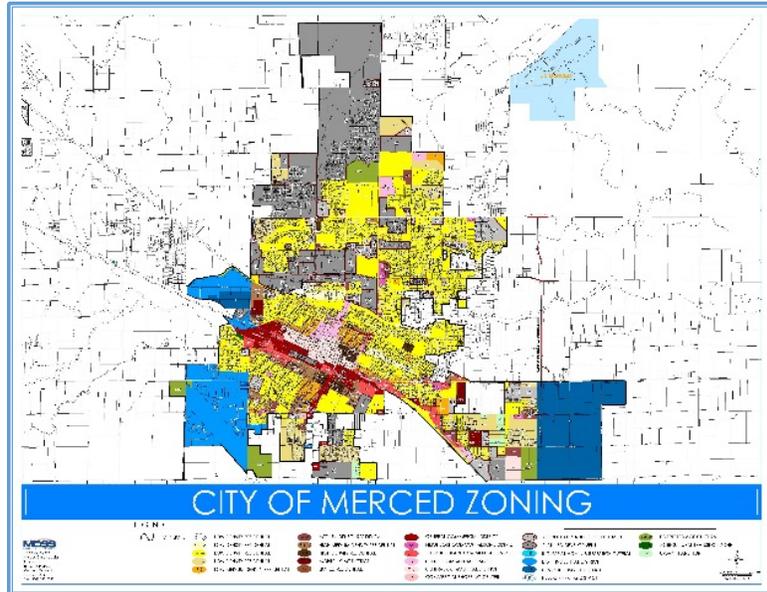
20.26 (Setback Measurement and Projections). The required interior side yard shall be measured at all elevations from the nearest interior side lot line.

235. *Yards, Rear.* An open space extending the full width of the lot between the building closest to the rear lot line and the rear lot line, which open space is unoccupied and unobstructed from the ground upward except as specified in Chapter 20.26 (Setback Measurement and Projections).

236. *Yards, Street Side.* An open space extending from the front yard to the rear yard between the building closest to the nearest street side lot line and the street side lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified in Chapter 20.26 (Setback Measurement and Projections). The required street side yard shall be measured at all elevations from the nearest street side lot line, and from the right-of-way line of the existing street. If the existing street line differs from the one adapted by the City, then the required street side yard shall be measured from the future right-of-way line of the street as adopted.

237. *Zoning District.* A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of Part 2 (Zoning Districts, Land Uses, and Development Standards) of the Merced Zoning Ordinance. Where certain uses are required to be a specified distance from any R district, the term “any R district” includes any district or portion thereof designated for future residential uses in the Merced General Plan.

238. *Zoning Map.* The official map and its underlying Geographic Information System (GIS) data, adopted by the City of Merced, that serves to delineate the boundaries of each base and overlay zone as established in the Zoning Ordinance. The official Zoning Map resides at, and is maintained by, Merced Development Services Department.



239. *Zoning Ordinance.* The Zoning Ordinance is adopted to implement the City of Merced General Plan and to protect and promote the health, safety, and welfare of Merced residents. See Chapter 20 of the Merced Municipal Code.

