

Chapter 20.78 - CONDITIONAL ZONING

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20.78.010 Purpose

Conditional Zoning is a discretionary action that enables the City to ensure that proposed zoning map amendments do not create negative impacts to the community or public service provision.

20.78.020 General

A. Imposition of Conditions. Upon the establishment of zoning for any property newly annexed, or upon any rezoning of property within the City of Merced, the City Council may impose conditions deemed necessary to:

1. Protect the community against potentially negative effects of uses permitted in the zoning district regulations; or,
2. Facilitate meeting the community's public service demands created or affected



by use of such parcel of land as permitted by the zoning district regulations.

B. Zoning Map Notation. Imposition of conditions pursuant to this chapter shall be indicated by appropriate designation on the official zoning map.

20.78.030 Initiation of Development

Three years after the approval of conditional zoning, the Planning Commission may review the conditional zoning district to determine development progress. If at that time no progress has been made towards the development for which the conditional zoning was obtained, the Planning Commission may recommend to the City Council that the conditional zoning be revoked and the land revert to its original zoning designation.

20.78.040 Amendments to Conditions

- A. General.** Any amendments or changes to approved conditions shall be approved by the City Council. The City Council shall hold a noticed public hearing for the requested change in compliance with Chapter 20.70 (Public Notice and Hearings).
- B. Minor Changes.** Minor changes to conditions may be approved by the Director of Development Services, provided that the changes comply with the criteria in Section 20.72.050 (Minor Changes).

20.78.050 Subsequent Zone Changes

- A. Zone Changes Permitted.** Nothing in this chapter shall be deemed to prohibit the City from rezoning all or a portion of a property subject to conditional zoning to another zoning district.



- B. Effect of Zone Change.** When a property subject to conditional zoning is rezoned to a different zoning district, the conditions imposed under the former zoning designation shall cease to exist.

20.78.060 Compliance and Enforcement

- A. Compliance Required.** All uses and development established on a property subject to conditional zoning shall comply with the conditions imposed by the City as part of the rezoning.
- B. Violations.** Any failure to comply with a condition shall constitute a violation of the Zoning Ordinance and shall be corrected in a manner consistent with Title 1 of the Merced Municipal Code.
- C. Rezoning.** If a violation of a condition is not corrected, the City may revoke the conditional zoning and rezone the property to any other zoning district as deemed appropriate. Such rezoning shall occur in a manner consistent with Chapter 20.80 (Zoning Ordinance Amendments).