

Merced County Zoning Code Update

Staff “Fix-it” List

(Edited by the Consultants)

(Annotated)

October 16, 2015

1. **Antenna Tower Height:** Make the requirements for what type of permit needed based on the height of the tower clearer. Right now, there are two categories of required permit for a tower exactly 100 feet tall. Require a CUP for a tower of any height (antenna or cell). Review what other jurisdictions allow on heights and permit requirements. Need clarity as to “up to 100 feet” vs. “up to 99.99 feet.” Add language stating that 100 feet is the top of the antennas – not the top of the tower.
2. **TV antennas:** Consider having a height limitation for just TV antennas (include language that will address any future new type of private homeowners communication antenna device) Development standard for TV antennas? More research related to current technology (over air HD antennas)
3. **Mixed family units in residential zones:** (e.g. college students renting houses in the area, or renting rooms from homeowners who also still live in their homes). Need to look at definition of family vs. rental. Sensitive issue; more research/guidance needed. What do other counties do? Does this stem from a state regulation? Initial thoughts are prohibition if possible.
4. **Second units.** Need clearer language on the ability to allow a 2nd residence in residential zones that aligns with the state law passed in 2003, and any newer guidance about minimum lot size for allowing a 2nd septic system to align with State and environmental health rules.
5. **Small and large child day care centers.** Clearer language regarding when a permit is needed for a small and large child day care center, to align with the state laws.
6. **Minimum ag parcel size.** Refer to the ag minimum parcel size for property in the Ag Preserve.
7. **Add residential setback table.** Bring back the “full” table for residential setbacks (part of table has been missing for a long time)
8. **Solar facilities.** Clear language about solar facilities and the processing of such, and which zones allowed.
9. **Parking and signs.** Parking and sign chapters are still hard to interpret. For example, why can't a business have two wall signs, if the total square footage is less than the one-to-one lineage footage sign size allowed?
10. **List of allowable uses.** Expand the list of allowable uses in each zone considerably.
11. **Home occupations.** Update home occupations regulations. Consider the potential for allowing more than one home occupation per household.
12. **Roof-top projections.** Define height allowance for church crosses / bells.
13. **Produce markets/stands.** Provide standards and clearer language for produce markets/produce stands in commercial zones.
14. **Garage setback.** Consider changing the setback for a garage that is parallel to the street that services a property. Consider 15 feet rather than 20 feet, as in a garage/driveway that is perpendicular to the street. (In other words, the property owner would have an “L” shaped driveway)
15. **Agricultural service contractors.** Provide a better definition for Ag Service Contractor
16. **Consent petitions.** Consider eliminating the Consent Petition requirement in all zones.
17. **Minimum A-1 parcel size.** Need clearer language for Chapter 18.02.03 – Minimum A-1 Parcel Size Exceptions – restriction against doing a subsequent PLA within an Antiquated Subdivision within 2

years. Language should perhaps state: A subsequent PLA on the same lots as adjusted previously of an Antiquated Subdivision within a two year period is not allowed.

18. **Cul-de-sac minimum length.** Consider a minimum length for a cul-de-sac. The zoning code or P/W already has a maximum length for cul-de-sacs, but to prevent odd-shaped, almost substandard sized residential lots, we may need a minimum cul-de-sac length to enable engineers to design better shaped lots, and escape having that “compressed” look for some lots.
19. **Cottage food operations.** Address AB 1616 Cottage Food Operations law allowing sales of food prepared in private home kitchens, via a nondiscretionary permit, with no hearing. Governs Class A & B type Cottage Food Operations on residential properties, with ability to sell products in both a Direct and Indirect manner.
20. **Permit modifications.** Need better criteria on thresholds for minor and major modifications for AA or CUP.
21. **Shipping containers.** Consider a new section on allowable use and appropriate zones for a SEA TRAIN containerized storage unit. Can a semi truck trailer be used, perhaps by cutting off the wheels (and entire undercarriage) and then placing on the ground as a storage unit? What is difference between shipping container and a SEA TRAIN?
22. **Accessory structures.** Need clearer information regarding the types of accessory structures allowed in what zones on parcels that have no residence. Need to define accessory structures and order of development (e.g. can a garage be built prior to a house?)
23. **Fences.** The fence regulations need several more illustrations covering these situations: The 2.5 ft or 4 ft fence height in the front yard – illustrate when they can step up to a 6 ft height for both an interior and corner lot, and perhaps a different illustration that shows the same for A-R. Need major revision to fence regulations.. Align fence height standards with the current building code.
24. **Accessory storage buildings in ag areas.** Clearer language is needed on the use of accessory storage buildings in Ag zones for non-ag uses.
25. **Antiquated Subdivisions:** Need to clarify language regarding antiquated subdivisions. Currently, there is a 2-year time periods between processing subsequent PLA’s within the same Antiquated Subdivision. However, internally our interpretation on the two year ruling is that after a particular property has had an approved PLA/CC done, it shifts that property to a category we call “previously mapped”. With such a concept, we could never find ourselves in a situation where the 2-year rule would apply. Should we delete that verbiage from the zoning code?
26. **Septic systems in Atwater RRC.** Revise the zoning code A-R section to be consistent with the Environmental Health 2013 requirements about septic systems for future development within the Atwater RRC area (concentration of septic systems within a xx square mile area) and criteria established by AB-885.
27. **Off-site antennas.** Possible inclusion of off-site antennas in which a transmitter serving a small regional ISP is located in a different location than the antenna: Height limitations, type of permit, zones allowed. Perhaps a Home Occupation for the transmitter site and Plot Plan Review for the antenna site. How would we know if they have negotiated with existing commercial antenna companies to rent space on the existing towers as a co-location preference?
28. **Religious facility.** Define religious facility.
29. **Mobilehome park setbacks.** Review consistency between zoning code and building standards for mobilehome park Granny units. Need more precise language and consistency with existing regulations regarding a “common Sense” maximum allowable size of a Granny house, since the state allows us some discretion regarding the current 1200 sq ft standard.
30. **Food Trucks.** Consider requiring a modification rather than an administrative permit for change in ownership of food truck..
31. **Residential Uses in Agricultural Areas.** Revise code provision to implement General Plan policy

32. **Gross Acreage vs. Net Acreage.** Provide more specific verbiage regarding acreage calculations to eliminate those situations we use Gross Acreage vs. Net Acreage – especially in the Ag Zones.
Impound yard vs. vehicle storage. Need clarification of definitions. for impound yard vs vehicle storage in Commercial and Industrial uses
33. **Truck parking.** Need to define truck parking and in which zones.
34. **Ag-related uses/ag contractors.** Need to better define “agricultural related uses” and “ag contractor”
35. **Ag Industrial Parcel Sizes.** Need clarification for ag industrial parcel sizes. Smaller Ag parcels are currently allowed with a land use permit for an ag operation. Currently, the code requires the use to be implemented within 2 years and assumes any structures are constructed after approval of the land use permit. Do these provisions still apply if structures were built prior to approval of the land use permit for an ag operation? (Solar Farms, Towers, etc) And what happens to that parcel after the 20 year lease expires – does it, and should it automatically be re-combined with the original parcel?
36. **Accessory buildings.** A clear definition of garage vs an accessory building in the Ag. Zones. When the bldg is classified as a garage, it requires a much greater setback than an accessory Building. Consider increasing the normal 5 foot side and rear ag zone setbacks for accessory buildings to 10 feet. (Most farmers will need more space around a shop building, especially if it has a large sized vehicle entrance door.) Also, need to consider what constitutes an accessory use when the ag zoned parcel is so small, it can’t be farmed. Need to consider what types of accessory buildings are permitted on small ag zoned parcels?
37. **Parking vs. equipment yard.** Need clearer definition in Ag zones regarding truck parking vs. transportation equipment yard. Consider allowing up to two trucks and two trailers on parcels less than xx acres, and then a transportation equipment yard for more than that and greater than xx acres, or when the trucks are not used to haul ag products grown on that particular parcel.
38. **Water storage tank setback.** Given the Fire Department water storage tank requirements for houses built in unincorporated county area, consider water storage tank setback requirements.
39. **Truck parking.** Need clear parking standards for required truck parking spaces at truck stops and other high truck traffic intensity commercial venues.
40. **Food Trucks:** Need clearer standards for food trucks in Ag zones. Currently, the zoning code only “alludes” to allowing them in Industrial and Commercial zones, and doesn’t directly address the other zones.
41. **Home Occupations:** Need clearer language regarding the necessity of obtaining a home occupation – even for a mobile business that uses cell phones and a P.O. box as an address vs. a real home address. Need more flexibility on who is required to get a HO permit and when. HOs are overly regulated (e.g. realtor operating in home needs HO permit, which may be excessive).? More clarification is needed on allowed uses and prohibitions. **Signs.** Need a complete rewrite of the sign regulations. Sign regulations are out of date relative to the types of signs commercial businesses are currently using. Need to include LED message signs, particularly regarding frequency of the message change and when it is considered “flashing
42. **Irrigation pump sales and repair.** Need to clarify whether a pump sales, repair, installation, and perhaps manufacturing use may be allowed in an Ag zone, when the majority of their customers are farmers.
43. **Domestic well drilling.** Need to determine the type of permit required and which zones allow domestic and irrigation well drilling businesses.
44. **Flea markets.** Determine appropriate zones and required permits for flea markets that operate every weekend.

45. **Building additions.** Consider allowing through a variance or minor deviation an addition to an existing building to meet the wall of an existing structure even if the setback of the new addition would be less than the minimum required setback.
46. **Transitional Housing / Group Housing** - Add definition for transitional and group housing.
47. **Chapter A-1, Para 18 .02 .03 C; Convey and Combine.** This language is difficult to interpret; need to clarify standards, particularly the minimum acreage requirement.
48. **Motorcycle Parking.** Add standards for motorcycle parking.
49. **Animal Confinement.** Clarify waiver and setback provisions. There is some confusion over how to apply the 1000 foot setback provision to both the facility and new residences.
50. **Residences in minor AG subdivisions.** Develop standards and permit requirements for residences in minor Ag subdivisions consistent with General Plan policies. Among other things, the permit requirements should address the issues of CUP and tentative map extensions.
51. **Ag land subdivisions** – Need to address several issues: (1) A parcel map must be recorded prior to start of any proposed home construction; (2) can a mobile home be allowed on a newly created ag parcel? ; (3) Only one residence should be allowed per parcel on newly created parcels; (4) will there be circumstances where a second residence, including granny units, be allowed? (5) In what circumstances will a modification to the minor subdivision and CUP be required; (6) how will the CUP expiration date be determined?
52. **Semi-mobile food vendor.** Develop clearer definitions, permit requirements, and standards for semi mobile food vendors.
53. **Second kitchens.** Define standards for second kitchens in single-family residences (this is largely a building code issue). Examine “pool house” kitchens and standards.
54. **Ag tourism.** Develop standards and permit requirements for weddings and recreational events or venues in Ag zones
55. **Fences and walls in ag zones.** Address fence and wall standards in ag zones.
56. **Mixed use.** Define mixed use and develop standards and permit requirements consistent with the community plans and General Plan.
57. **EV charging stations.** Develop standards and permit requirements for EV charging stations. Address location, number, lighting, security, hours of use, and parking requirements.
58. **Fish farms.** Define and develop standards and permit requirements for fish farms. (*NOTE: Developing standards could be a problem. What are the concerns/issues?*)
59. **Lot line adjustments in ag zones.** Develop standards, particularly related to timing and frequency, for lot line adjustments or minor subdivisions for the same property to address to potential circumstance of a property owner avoiding the minor subdivision policies established in the General Plan.
60. **Right-to-Farm Certificates.** List the requirement to obtain a recorded Right-to-Farm Certificate in all relevant zones.
61. **Auto body shops.** Consider defining and adding auto body shops to the list of land use types.
62. **Cemeteries.** Define and develop permit requirements for both private and public cemeteries and family burial plots
63. **Truck parking.** Address the issue of the three ton weight limit for truck parking in A-R. Need to better define a three ton truck.