

**ORDINANCE NO. 2039
ZONING CODE TEXT AMENDMENT NO. ZCTA24-001**

**AN ORDINANCE AMENDING PORTIONS OF TITLE 18 (ZONING CODE) OF THE
MERCED COUNTY CODE
(AMENDS ORDINANCE NO. 1976 AND AMENDS TITLE 18 OF THE MERCED COUNTY
CODE)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1: The Zoning Code of the County of Merced, Title 18 of the Merced County Code, is amended as set forth in Exhibit "A."

SECTION 2: EFFECTIVE DATE

This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption, and prior to the expiration of fifteen (15) days from the passage and adoption thereof, shall be published in a newspaper of general circulation printed and published in the County of Merced, State of California, together with the names of the members of the Board of Supervisors of the County of Merced, voting for or against the same.

SECTION 3: VALIDITY

If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Board of Supervisors hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause, word or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, words, or phrases be declared invalid or unconstitutional.


The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Merced, State of California at a regular meeting thereof held on the 21st day of May, 2024 by the following vote:

SUPERVISORS

AYES: Rodrigo Espinosa, Josh Pedrozo, Daron McDaniel, Lloyd Pareira, Jr, Scott M. Silveira

NOES: None

ABSENT: None


Rodrigo Espinosa
Chairman, Board of Supervisors

ATTEST:

RAUL L. MENDEZ
Clerk of the Board of Supervisors

By: 
Deputy



APPROVED AS TO LEGAL FORM AND EFFECT:
MERCED COUNTY COUNSEL

By: 

EXHIBIT A
ZONING CODE TEXT AMENDMENT

Development Standards

Chapter 18.10

AGRICULTURAL ZONES (A-1, A-1-40, A-2)

18.10.020 Agricultural Zone Land Uses and Permit Requirements

- A. **Table 2-1 Agricultural Zone Allowed Uses and Permit Requirements.** Table 2-1 indicates the uses allowed within each agricultural zone and any permits required to establish a use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).
- B. **Additional Regulations.** Where the last column in the Table 2-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.
- C. **Windshed.** Figure 2-1 indicates the windshed boundary for animal confinement facilities. The following provisions are required for the approval of these facilities:
1. The use is located more than one-half mile from the nearest boundary of Urban Community, any Rural Residential Center or Highway Interchange Center or Residentially designated property as delineated on the General Plan or from sensitive uses (i.e., schools, public parks, or hospitals);
 2. The applicant has obtained approval from the Merced County Department of Public Health; and
 3. The distance within the designated windshed shall be measured from the periphery of the animal confinement facility and not the property line.
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.
- E. **Permit Requirement Where Construction is Involved.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances) or a Site Plan and Design Review (Chapter 18.122).
- F. **Uses Not Listed.** Agricultural uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in a particular zone and, if so, the type of permit required, in compliance with Section 18.04.040 (Uses Not Classified).

**Table 2-1
Agricultural Zone Allowed Uses and Permit Requirements**

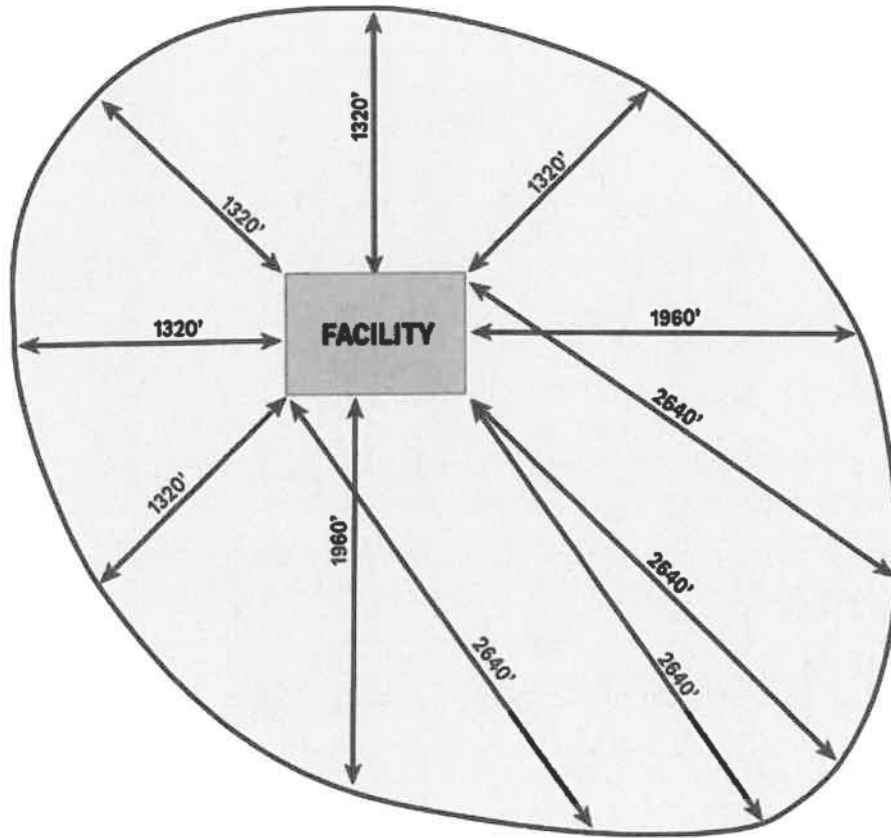
P	Allowed by Right
A	Administrative Permit (Chapter 18.114)
CUP	Conditional Use Permit (Chapter 18.116)
TUP	Temporary Use Permits (Chapter 18.124)
-	Not allowed

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Agricultural		
Accessory Agricultural Structures	P	18.32.030(A)

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Agriculture	P	
Agricultural Processing Plants	A	18.10.040(A)
Agricultural Chemical Mixing and Storage	CUP	
Animal Confinement Facilities (5 dwelling units or less in the windshed)	A	Ch. 18.64
Animal Confinement Facilities (more than 5 dwelling units in the windshed)	CUP	Ch. 18.64
Commercial Apiary (bees)	A	
Composting Facilities	CUP	
Crop/Orchard/Vineyard Production	P	
Employee Housing, Agricultural (up to 12 units or 36 employees)	P	18.60.090
Fertilizer/Manure Storage Yards	CUP	18.10.040(F)
Fertilizer Plants	CUP	
Poultry Farms	CUP	Merced County Code Ch. 7.08
Ranch/Farm Office	P	
Stock Yards and Feed Lots	A	
Well Drilling Businesses (irrigation and domestic)	P	
Educational, Institutional, Public Assembly, and Recreational		
Agriculture/Historical Museums	CUP	18.10.040(D)
Game Preserve (private or public)	P	18.10.040(G)
Hunting Clubs	A	
Marina, Boat Dock, or Launch	A	18.10.040(H)
Public Parks and Recreation Areas	P	
Public Stables, Boarding Facilities, Training Facilities, Riding Academies	A	
Recreational Area (private)	CUP	18.10.040(L)
Recreational Vehicle Park	CUP	
Wildlife Management Areas	P	
Manufacturing and Storage		
Agricultural Equipment Maintenance and Storage	P	18.10.040(B)
Agricultural Products, Storage Plants and Yards	A	18.10.040(C)
Energy Generation Facilities, Wind Farms, Biomass Fuel Manufacturing (on-site energy use only)	P	
Energy Generation Facilities, Wind Farms, Biomass Fuel Manufacturing (off-site energy use)	CUP	
Land Leveling Equipment Storage	CUP	
Mines, Quarries and Gravel Pits	CUP	Ch. 18.48
Oil/Gas Wells	A	18.60.180
Rendering Plants	CUP	
Storage Yards (rock, sand and gravel)	A	18.10.040(O)
Wineries, Distilleries, and Breweries	CUP	18.10.040(Q)
Residential		
Employee Housing, Residential (6 or less residents)	P	18.10.040(N) 18.60.090

Land Use (see Article 8 for land use definitions)	Uses Apply to All Agricultural Zones	Additional Regulations
Home Occupation	P	18.60.070
Short-Term Rentals	A	18.60.270
Single-Family Dwelling	P	18.10.040(N)
Additional Residential Unit (1 to 3 units)	A	18.10.040(N) 18.60.080
Additional Residential Unit (4 or more units)	CUP	18.10.040(N) 18.60.080
Temporary Residence	P	18.60.130
Commercial		
Nursery/Greenhouse	A	18.10.040(I)
Produce Stand	P	18.10.040(J) 18.60.220
Produce Market	A	18.10.040(K) 18.60.220
Recreational Events/Weddings	CUP	
Recreational Events, Temporary	A	18.60.290
Temporary/Mobile Retail Sales	A	18.60.290
Service		
Agricultural Auction Facilities	CUP	
Agricultural Contractors, Service Repair and Maintenance	CUP	
Irrigation Pump Sales and Repair	CUP	
Animal Hospital, Veterinary Office	CUP	
Cemetery, Crematoria, Mausoleum, Columbarium (for cremated remains)	CUP	
County/Publicly-Owned Facilities	P	
Kennel (5 dogs or less)	A	Merced County Code Title 7
Kennel (6 or more dogs)	CUP	18.60.140 Merced County Code Title 7
Public Utility Facility Service Yard	A	
Transportation and Communication		
Airport/Airstrip (temporary)	P	18.10.040(E)
Airport/Airstrip (public or private)	CUP	
Communication Equipment, Electrical Distribution/Transmission Substation	A	
Public Scales	A	
Wireless Telecommunication Towers (100 feet or less in height)	P	Ch. 18.68
Wireless Telecommunication Towers (greater than 100 feet in height)	CUP	Ch. 18.68
Transportation, Equipment Yard (10 trucks or less)	A	18.10.040(P)
Transportation, Equipment Yard (more than 10 trucks)	CUP	18.10.040(P)
Transportation, Equipment Yard (accessory)	P	18.10.040(P) 18.38.200

Figure 2-1: Windshed Diagram



(Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.10.030 Agricultural Zone Development Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following standards shall be applicable in the specific agricultural zones:

- A. **Table 2-2 Agricultural Zone Development Standards.** The intent of the agricultural zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the agricultural zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signing, fences and obstructions, and performance standards, apply to agricultural zones.
- B. **Increase in Setbacks Use Permits.** The setbacks listed below may be increased for those uses requiring an Administrative or Conditional Use Permit when it is determined by the Commission or Director, as applicable, that additional setbacks are necessary to make the use compatible with surrounding properties and uses.
- C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled “Zoning Map for Merced County” and referred to in this Zoning Code as the Zoning Map. Any additional maps (e.g., setback map) adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

**Table 2-2
Agricultural Zone Development Standards**

Development Feature (minimum unless otherwise indicated)	A-1	A-1-40	A-2	Additional Regulations
Parcel Area (minimum) area required for each NEWLY CREATED parcel.				
Minimum Parcel Size (acres)	20 acres	40 acres	160 acres	
Setbacks (minimum). Property lines are measured in feet, with those adjacent to the street measured from the face of the curb, or right-of-way where no curb exists.				
Front	20	20	20	18.10.040(M)
Side (Interior Parcel)	15	15	15	18.10.040(M)
Side (Corner Parcel)	20	20	20	18.10.040(M)
Rear	25	25	25	
Additional Regulations				
Accessory Structures	Chapter 18.32			
Animal Confinement Facilities	Chapter 18.64			
Fences, Walls, and Hedges	Chapter 18.34			
Landscaping	Chapter 18.36			
Off-Street Parking Regulations and Design Standards	Chapter 18.38			
Performance Standards	Chapter 18.40			
Sign Regulations	Chapter 18.44			
Solid Waste and Recycling Materials Storage	Chapter 18.46			

- D. **Subdivision Findings.** Before any subdivision may be approved, the following findings shall be made:
 1. The proposed division is consistent with the General Plan Land Use, Agriculture, and Natural Resources/Conservation elements, and this Zoning Code;

2. The proposed division shall not harm agricultural productivity or permanently remove property from cultivation;
 3. If the proposed division involves land not in agricultural use, then open space and/or wildlife areas shall be recognized as a priority to the County and preserved; and
 4. Proposed parcel sizes less than 40 acres are consistent with the surrounding average parcel size within a radius of one-half mile.
- E. **Agricultural Setback Requirement for Created Parcels.** For agriculturally zoned parcels, with any existing habitable structure, any parcel resulting from division or adjustment shall have the boundaries of the parcel located so as to provide a physical separation of 200 feet, as measured from any existing habitable structure to any abutting parcels used for agricultural production. "Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonably anticipated use.
1. **Exception to Agricultural Setback Requirement.** The Director may approve an exception to the required agricultural setback requirement when a proposed subdivision would create a new property line between two existing dwelling units, and the distance between those dwelling units would not allow for either dwelling to meet the agricultural setback requirement. The division or adjustment shall provide for the fullest compliance with the agricultural setback and other setbacks as required by this Code.
- F. **Minimum Parcel Size Exceptions.** No agriculturally zoned land may be divided or have the boundaries thereof adjusted for the purposes of sale, lease, or financing, whether immediate or future, if any parcel resulting from the division or adjustment contains less than 20 acres in the A-1 zone, less than 40 acres in the A-1-40 zone, and/or less than 160 acres in the A-2 zone as measured from the center of any abutting roadway, waterway, railroad, or other public rights-of-way forming a boundary line of the parcel, unless at least one of the following exceptions apply:
1. When the parcel is used as a security instrument for financing an agricultural operation or construction of a single-family dwelling subject to the following criteria:
 - a. The parcel before division is not less than 20 gross acres in the A-1 zone, or not less than 40 gross acres in the A-1-40 and A-2 zones, the new parcel, together with the remaining acreage, shall not be separately conveyed without meeting the minimum parcel size of the zone, except for the purposes mentioned above, unless the division occurs by judicial foreclosure, trustee's sale, or other legal proceedings which discharge the lien of the security instrument.
 - b. When the parcel is used for financing a single-family dwelling, the parcel size shall be at least one net acre and not more than five net acres in size, be identified by the County Division of Environmental Health as adequate for an on-site waste disposal system, and at least one of the following conditions exists:
 - (1) The parcel is to be created by the conveyance of a security instrument to finance a single-family dwelling to be occupied by the parcel owner; or
 - (2) The parcel or parcels to be created are intended as a conveyance exclusively for use by a member of the parcel owner's immediate family; there is only one parcel per related person, or per related married couple, and there is no more than one parcel per each 20 gross acres in the A-1 zone or 40 gross acres in the A-1-40 and A-2 zones.

- c. When the parcel is used for financing an agricultural operation the parcel size shall be at least one net acre in size and certified by the County Division of Environmental Health as adequate for an on-site waste disposal system.
 2. When a Boundary Adjustment (Property Line Adjustment) meets all the following conditions:
 - a. The parcels are not part of an “antiquated subdivision” as defined in County Code Chapter 2.52, Section 2.52.015, except for an adjustment between two parcels;
 - (1) For any boundary adjustment involving parcels in an antiquated subdivision, all adjusted parcels must meet the minimum area requirement unless a Variance is granted in compliance with Chapter 18.126 (Variances and Minor Deviations) as part of a merger and re-subdivision approval in compliance with Section 17.04.074 of the County Code (Subdivision).
 - (2) A subsequent property line adjustment on the same parcels as adjusted previously of an “antiquated subdivision” in the A-1 zone within a two-year period shall be prohibited.
 - b. At least one of the parcels does not meet the minimum parcel size requirement prior to the adjustment; and
 - c. The adjustment does not result in an increase in the number of nonconforming parcels that existed prior to the adjustment.
 3. The parcel is developed by a utility or quasi-utility for a television or radio antenna, electric substation, power generation plant, or other use determined by the Commission and the Board to be similar, subject to all the following terms and conditions:
 - a. On-site construction complies with all applicable Federal, State, and local regulations.
 - b. A permit has been approved by the County for the proposed uses.
 - c. The following provisions apply, appear on the parcel map, and be duly recorded in the public records of the County prior to any improvements of the subject parcel:
 - (1) No residential uses are permitted;
 - (2) In the event the use for which the parcel division was approved no longer exists on the parcel, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor’s heirs, successors, or assigns;
 - (3) Within one year of the termination of use, the parcel shall be sold to an adjoining parcel owner and combined with the adjoining parcel of record through recordation of a Voluntary Notice of Merger by the County; and
 - (4) The parcel which is subject to division in compliance with this Subsection is not entitled to any Variance as provided for in Government Code Section 65906. The owner waives any right to apply for a Variance for the subject parcel.
 4. The parcel is developed as an airstrip approved by the County for use only by aircraft engaged in agricultural-related operations, subject to all the following terms and conditions:
 - a. On-site construction complies with all applicable Federal, State, and local regulations.
 - b. The following provisions apply, appear on the parcel map, and be duly recorded in the public records of the County prior to any additional improvements of the subject parcel:

- (1) The parcel which is subject to division may be used for growing crops and an agricultural airstrip, including related accessory structures. In addition, one single-family dwelling (a minimum of 400 square feet in size) for occupancy by a caretaker or watchman may be allowed as otherwise provided in this Zoning Code. No other uses are permitted on the parcel;
 - (2) In the event the property is at a later date combined with an adjacent property by recorded parcel map or recorded subdivision map which results in parcels that meet all of the minimum requirements for parcel area, width and depth for the zone existing at the time the map is recorded, then the property may be used for any use allowed in the zone;
 - (3) The parcel which is subject to division in compliance with this Subsection is not entitled to any Variance as provided for in Government Code Section 65906. The owner waives any right to apply for a Variance for the subject parcel;
 - (4) In the event the use for which the parcel division was approved no longer exists on the parcel, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor's heirs, successors, or assigns; or
 - (5) Within one year of the termination of use, the parcel shall be sold to an adjoining property owner and combined with the adjoining parcel of record through recordation of a Voluntary Notice of Merger by the County.
5. When the parcel owner desires to retain a dwelling, which has existed on the parcel for at least 10 years, the parcel owner may divide off the parcel containing the dwelling when all the following conditions are met:
- a. The portion of the parcel which does not contain the dwelling meets the minimum parcel size requirement or is combined with an abutting parcel to create a parcel which meets the minimum parcel size requirement;
 - b. The parcel containing the dwelling shall not be less than one net acre and not more than five net acres in size; and
 - c. The dwelling which is to be retained must have been lived in by the parcel owner for at least 10 years. (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.10.040 Other Applicable Agricultural Zone Regulations

The following agricultural regulations apply to all agriculturally zoned land:

- A. **Agricultural Processing Plants.** The Director may determine that a Conditional Use Permit is necessary if it appears the facility may be controversial.
- B. **Agricultural Equipment Maintenance and Storage.** Allowed only in bona fide agricultural operations by the owner and/or property lessee on the premises.
- C. **Agricultural Products, Storage Plants, and Yards.** The facilities may include grain elevators, hay and hay products storage facilities, fruit, grain, and bean storage and drying. Accessory storage of materials on site is permitted and includes, but is not limited to, rock, gravel, and sand.
- D. **Agricultural/Historical Museums.** Food facilities are not allowed.

- E. **Temporary Airport/Airstrip (Public or Private).** Temporary airstrip for aircraft engaged in agricultural uses. Aircraft parking allowed on a temporary basis not to exceed six months per year.
- F. **Fertilizer/Manure Storage Yards.** A Conditional Use Permit is required if the sludge from sewer treatment plants is to be stored on-site for more than 24 hours.
- G. **Game Preserve (Private or Public).** Hunting clubs and commercial hunting are prohibited.
- H. **Marinas, Boat Docks, Launches.** A Conditional Use Permit may be required at the discretion of the Director.
- I. **Nursery/Greenhouse.** Includes the sale of plants, flowers, herbs, and fruit and vegetable produce where at least one half of retail value of the produce is grown on site or on other property under the same ownership.
- J. **Produce Stand.** The seasonal sale of produce that must be entirely grown on site.
- K. **Produce Market.** Sale of produce where at least one-half of retail value of the produce must be grown on site or other property under the same ownership.
- L. **Recreational Areas (Private).** Commercial uses and facilities, including, but not limited to, recreational vehicle parks, country clubs and ancillary restaurant and support facilities, golf courses, golf driving ranges, and other similar facilities. Facilities for which the principle use is enclosed in a structure (i.e., a bowling alley) are prohibited.
- M. **Setbacks.**
 - 1. **Agricultural Setback Requirement for Residential Uses.** New residential dwellings and/or other habitable structure shall be set back so as to provide a physical separation of 200 feet, as measured from the dwelling or other habitable structure to any abutting parcels used for agricultural production. "Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonably anticipated use. The agricultural setback may include roads, parking, trails, creeks, canals, and landscape features.
 - a. **Exception to Agricultural Setback Requirement.** The Director may approve an exception to the required agricultural setback requirement for residential uses, when a new dwelling, or habitable structure, under the following criteria:
 - (1) The new dwelling or habitable structure, is proposed on an existing parcel whose width and/or length is such that it is physically impossible to provide the required 200-foot agricultural setback to all abutting parcels used for agricultural production; or
 - (2) There is one or more dwelling or other habitable structures already located on the parcel, and the new dwelling or habitable structure is located as close to the existing dwellings or habitable structures as permitted under the California Building Code; or
 - (3) When there are no existing dwellings or habitable structures on the subject parcel, but there is one or more dwellings or other habitable structures that are located on adjacent parcels, and the new dwelling or habitable structure is located as close to the existing dwellings or habitable structures as is permitted under the Building Code; and
 - (4) The new dwelling or habitable structure is situated in a location that provides for the fullest possible compliance with the agricultural setback and other setbacks as required by this Code.

2. **Animal Confinement Facility Setbacks.** Setbacks from operational animal confinement facilities shall conform with the setbacks set forth in Chapter 18.64 (Animal Confinement Facilities).
3. **Front.** Setback is measured from existing or adopted street right-of-way line (ultimate width of existing street).
4. **Side (Interior Parcel).** Accessory structures may be located not less than five feet from any interior side parcel line or rear parcel line provided they are located at least 20 feet from the front property line. Animal pens enclosing animals or fowl may be located on the property line, except that these structures shall be at least 50 feet from any off-site dwellings. Livestock may be pastured upon irrigated pasture within the above-mentioned setbacks and the keeping of fowl shall be conducted in compliance with County Code Chapter 7.08.
5. **Side (Corner Parcel).** Setback applies only for the side fronting the street.

N. Single-Family Homes.

1. **New Single-Family Homes.** A Conditional Use Permit is required to construct a new single-family home or employee housing, residential (with six residents or less) on any parcel created after December 10, 2013.
2. **Tiny Homes.** Tiny homes shall be considered single-family dwellings and shall be placed on a permanent foundation system.

O. Storage Yards (Rock, Sand, and Gravel). Agricultural products are prohibited. For storage yards accessory to agricultural operations see subsection C Agricultural Products, Storage Plants, and Yards.

P. Transportation, Equipment Yards.

1. Equipment yards accessory to an on-site bona fide agricultural operations on the same property and owned by the property occupant or property owner may have an unlimited number of trucks, or commercial vehicles, parked on-site.
2. A minimum parcel size of one acre is required.
3. Outside repair of vehicles is prohibited.
4. Equipment yards not accessory to an on-site bona fide agricultural operation:
 - (1) May park a single truck with no more than two trailers owned and operated by an occupant and used in any allowed business on or off site.
 - (2) Shall not be allowed on land designated prime farmland, unique farmland, or farmland of Statewide importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

Q. Wineries, Distilleries, and Breweries.

1. **Wineries.** Majority of produce grown on site or on other property must be under same ownership. Allowable accessory uses to wineries include tasting rooms, outdoor picnic areas, and accessory retail of winery related products. Tasting rooms shall be part of the principal use if the floor area used for the tasting room is less than or equal to 25 percent of the total floor area of the facility.
2. **Distilleries.** Distilleries may include a tasting room as part of the principal use if the floor area used for the tasting room is less than or equal to 25 percent of the total floor area of the facility.

3. **Breweries.** Breweries may include a tasting or tap room as part of the principal use if the floor area used for the tap room is less than or equal to 25 percent of the total floor area of the facility. (Ord. 1997 § 1, 2020; Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

Chapter 18.12

RESIDENTIAL ZONES (R-R, R-1, R1-5000, R-2, R-3, R-4, M-H)

18.12.020 Residential Zone Land Uses and Permit Requirements

- A. **Table 2-3 Residential Zone Allowed Uses and Permit Requirements.** Table 2-3 indicates the uses allowed within each residential zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).
- B. **Additional Regulations.** Where the last column in the Table 2-3 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.
- C. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.
- D. **Permit Requirement Where Construction is Involved.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances) or a Site Plan and Design Review (Chapter 18.122).
- E. **Uses Not Listed.** Residential uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

**Table 2-3
Residential Zone Allowed Uses and Permit Requirements**

P	Allowed by Right
A	Administrative Permit (Chapter 18.114)
CUP	Conditional Use Permit (Chapter 18.116)
TUP	Temporary Use Permits (Chapter 18.124)
-	Not allowed

Land Use (see Article 8 for land use definitions)	R-R	R-1 R-1-5000	R-2	R-3	R-4	M-H	Additional Regulations
Agricultural							
Accessory Agricultural Structures	P	P	P	P	P	-	18.12.040(A) 18.32.030(A)
Farm Animal Keeping/Raising	P	P	-	-	-	-	18.12.040(A) Title 7
Row Crops	P	P	P	P	P	-	18.12.040(A) 18.12.040(B)
Employee Housing, Agricultural (up to 12 units or 36 employees)	P	P	P	P	P	P	18.60.090 18.12.040(A)
Educational, Institutional, Public Assembly, and Recreational							
Community Center	CUP	A	A	A	A	-	
Family Childcare Facilities, Small	P	P	P	P	P	-	18.60.150
Family Childcare Facilities, Large	A	A	A	A	A	-	18.60.150

Land Use (see Article 8 for land use definitions)	R-R	R-1 R-1-5000	R-2	R-3	R-4	M-H	Additional Regulations
Parks and Playgrounds	P	P	P	P	P	-	
Places of Assembly (capacity for 200 people or less in the main assembly area)	A	A	A	A	A	-	18.60.210
Places of Assembly (capacity for more than 200 people in the main assembly area)	CUP	CUP	CUP	CUP	CUP	-	18.60.210
Schools (private)	CUP	CUP	CUP	CUP	CUP	-	
Schools (public)	P	P	P	P	P	-	
Residential							
Accessory Dwelling Unit	P	P	P	P	P	-	18.12.040(B) Ch. 18.62
Accessory Uses and Structures (garage, shed, swimming pool, tennis court)	P	P	P	P	P	P	Ch. 18.32 18.60.020
Additional Residential Unit	A	-	-	-	-	-	18.60.080
Community Care Facility (6 or less residents)	P	P	P	P	P	P	
Community Care Facility (more than 7 residents)	A	A	A	A	A	A	
Employee Housing, Residential (6 or less residents)	P	P	P	P	P	P	18.60.090
Home Occupations	P	P	P	P	P	P	18.60.070
Mobile Home Parks	-	CUP	CUP	CUP	CUP	P	18.60.110
Multi-Family Dwellings (5 units or less)	-	-	-	P	P	-	
Multi-Family Dwellings (6 units or more)	-	-	-	A	A	-	
Short-Term Rentals	A	A	A	A	A		18.60.270
Single-Family Dwellings	P	P	P	P	P	P	18.12.040(A) 18.12.040(B)
Single-Room Occupancy Units (SRO)	-	-	-	P	P	-	18.60.120
Subdivision Sales Office	P	P	P	P	P	P	18.60.280
Temporary Residence	P	P	P	P	P	P	18.60.130
Commercial Vehicle Storage	A	-	-	-	-	-	18.12.040(B)
Service							
Public Utility Facilities	CUP	-	-	-	-	-	
Transportation and Communication							
Wireless Telecommunication Towers (100 feet or less in height)	A	-	-	-	-	-	Ch. 18.68
Wireless Telecommunication Towers (greater than 100 feet in height)	CUP	-	-	-	-	-	Ch. 18.68

(Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.12.030 Residential Zone Development Standards

A. **Table 2-4 Residential Zone Development Standards.** The intent of the residential zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all

developments in each of the residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signing, fences and obstructions, and performance standards, apply to residential zones.

- B. **Increased Setbacks Use Permits.** The setbacks listed below may be increased for those uses requiring an Administrative or Conditional Use Permit when it is determined by the Commission or Director, as applicable, that increased setbacks are necessary to make the use compatible with surrounding properties and uses.
- C. **Density.** Maximum density standards shall be consistent with the General Plan or applicable community plan.
- D. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown on the map(s) entitled “Zoning Map for Merced County” and referred to in this Zoning Code as the Zoning Map. Any additional maps (e.g., setback map) adopted shall also be a part of this Zoning Code by reference. This Zoning Code, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance in compliance with Chapter 18.142 (Amendments).

**Table 2-4
Residential Zone Development Standards**

Development Feature (minimum unless otherwise indicated)	R-R (no public sewer/water)	R-R (with public sewer/water)	R-1	R-1-5000	R-2/ R-3/ R-4	M-H	Additional Regulations
Parcel Area (minimum square feet) area required for each NEWLY CREATED parcel.							
Interior Parcel	1 net ac.	14,520	6,000	5,000	6,000	4,000	18.12.040(A)
Corner Parcel	1 net ac.	14,520	6,400	6,000	6,400	4,500	18.12.040(A)
Parcels Shall Front a Publicly Maintained Street	No	No	Yes	Yes	Yes	Yes	18.12.040(A)
Setbacks (minimum). Property lines are measured in feet, with those adjacent to the street measured from the face of the curb, adopted plan line, or edge of right-of-way.							
Front	50	30	20	15	20	10	18.12.040(A) 18.12.040(B)
Side (interior side)	15	10	5	5	5/12	3	18.12.040(B)
Side (facing street)	50	30	20	15	20	10	
Rear (main structure)	25	20	15	15	15	5	18.12.040(B)
Parcel Depth, Width, and Coverage (maximum) area measured in feet							
Parcel Width at Front Parcel Line (interior parcel)	125	80	60	50	60	40	
Parcel Width at Front Parcel Line (corner parcel)	125	80	65	60	65	50	
Parcel Width at Front Parcel Line (cul-de-sac or bulb connection parcel)	60	50	45	40	45	35	
Minimum Parcel Depth	None	None	100	None	100	80	
Maximum Depth: Width Ratio	3:1	3:1	3:1	3:1	3:1	3:1	
Maximum Structure Coverage (percentage)	40	60	60	60	70	80	
Height (maximum) measured in feet							
Height (main structure)	35	30	30	30	R-2: 45 R-3: 60 R-4: 60	15	
Height (accessory structure)	35	15	15	15	15	15	
Additional Regulations							
Accessory Structures	Chapter 18.32						

Development Feature (minimum unless otherwise indicated)	R-R (no public sewer/water)	R-R (with public sewer/water)	R-1	R-1-5000	R-2/ R-3/ R-4	M-H	Additional Regulations
Animal Confinement Facilities		Chapter 18.64					
Fences, Walls, and Hedges		Chapter 18.34					
Landscaping		Chapter 18.36					
Off-Street Parking Regulations and Design Standards		Chapter 18.38					
Performance Standards		Chapter 18.40					
Sign Regulations		Chapter 18.44					
Solid Waste and Recycling Materials Storage		Chapter 18.46					

(Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.12.040 Other Applicable Residential Zone Regulations

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following standards shall be applicable in the specific residential zones:

A. General Residential Regulations.

1. Development Standards.

- a. **Front Setback.** The front setback is measured from the existing or adopted street right-of-way line (ultimate width of the existing street).
- b. **Minimum Parcel Size.** Where on-site wastewater treatment systems or septic systems are used on each parcel, County of Division of Environmental Health requirements shall be met. This requirement applies to both interior and corner lots.
- c. **Access Easements.** Access easements are prohibited in residential zones where parcels are required to front a publicly maintained street.

2. Single-Family Dwellings.

- a. Single-family dwellings shall be conventional construction or manufactured off site and placed on a permanent foundation. Two dwellings are permitted in the R-2 Zone and three or more dwellings in the R-3 and R-4 zones based on consistency with the density standards of the General Plan or applicable community plan.
- b. **Agricultural Setback Requirement for Residential Uses.** New residential dwellings and/or other habitable structures in residential developments in a designated urban community adjacent to agricultural designated lands shall be set back so as to provide a physical separation of 200 feet, as measured from the dwellings or other habitable structures, to any abutting parcels used for agricultural production. "Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonable anticipated use. The agricultural setback may include roads, parking, trails, creeks, canals, and landscape features. Exceptions to agricultural setback requirements may be permitted with approval of a variance, in compliance with Chapter 18.126 (Variances and Minor Deviations).
- c. Tiny homes shall be considered single-family dwellings and shall be placed on a permanent foundation system.

B. Specific Residential Regulations.

1. R-R Rural Residential Zone.

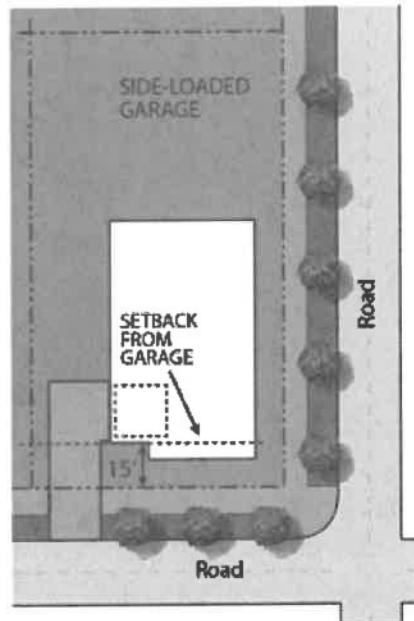
- a. **Agricultural Uses.**
 - (1) Crop, orchard, and vineyard properties shall be one acre or larger.
 - (2) **Accessory Farm Structures.** Structures are limited to a maximum of 600 square feet and shall meet the setback requirements of the zone in which the parcel is located.
 - (3) **Farm Animal Keeping/Raising.** Up to two large animals, or up to five birds (other than household pets) are permitted per parcel. Director approval is required for additional on-site animals, and a minimum of two acres is required.
- b. **Commercial Vehicle Storage.** Commercial vehicle storage may be allowed with an Administrative Permit and subject to all the following conditions:

- (1) Commercial vehicle storage shall be limited to a single operational commercial truck tractor, as defined by Section 655 of the California Vehicle Code.
- (2) The truck tractor shall be owned and operated by the property owner/tenant and regularly used in his/her business occupation.
- (3) Additional operational commercial truck tractors and parking of any trailers are prohibited.
- (4) The truck tractor shall not be parked in a manner as to obstruct the adjoining property owner's view.
- (5) Not more than one garage-type structure shall be allowed for minor incidental repair and storage of the truck tractor.
- (6) Truck tractors are not allowed to operate or idle on the property.
- (7) At no time shall the operation of the truck tractor produce a noise that exceeds the noise standards in Section 18.40.050 (Noise).
- (8) Vehicle repair shall be limited to the property owner's truck tractor.

2. **R-1 Single-Family Residential Zone.**

- a. **Agricultural Uses.** Agricultural uses in Residential Zones are interim uses and are only permitted until 75 percent of the abutting parcels are subdivided and/or developed. This includes the following uses:
 - (1) **Accessory Farm Structures.** Structures are limited to a maximum of 600 square feet and shall meet the setback requirements of the zone in which the parcel is located.
 - (2) **Farm Animal Keeping/Raising.** Up to two large animals, or up to five birds (other than household pets) are permitted per parcel. Director approval is required for additional on-site animals, and a minimum of two acres is required. Farm animal keeping/raising is not allowed as an accessory use to a residential use.
 - (3) **Row Crops.**
- b. **Side Setback.** The garage driveway front setback can be 15 feet from the right-of-way only for a side-loading garage.

Figure 2-2: Side-Loading Garage



3. **R-1-5000 Single-Family Residential Zone.** Additional development standards are as follows:
 - a. **Agricultural Uses.** Agricultural uses in Residential Zones are interim uses and are only permitted until 75 percent of the abutting parcels are subdivided and/or developed. This includes the following uses:
 - (1) **Accessory Farm Structures.** Structures are limited to a maximum of 600 square feet and shall meet the setback requirements of the zone in which the parcel is located.
 - (2) **Farm Animal Keeping/Raising.** Up to two large animals, or up to five birds (other than household pets) are permitted per parcel. Director approval is required for additional on-site animals, and a minimum of two acres is required. Farm animal keeping/raising is not allowed as an accessory use to a residential use.
 - (3) **Row Crops.**
 - b. **Front Setback.** Carports and garages facing the front parcel line shall be 20 feet from the right-of-way.
 - c. **Rear Setback.** The rear setback may be 10 feet if side setback is 15 feet with outdoor access oriented to the side yard.
4. **R-2 Two-Family Residential Zone.**
 - a. **Residential Uses.** A minimum of 200 square feet of open space is required for each dwelling unit.
 - b. **Development Standards.**
 - (1) **Front Setback.** The garage driveway can be 15 feet from the right-of-way only for a side-loading garage. See Figure 2-2 (Side-Loading Garage).
 - (2) **Side Setback.** If the dwelling units are two stories and are adjacent to single-family residential zone, then the side setback shall be 12 feet.
5. **R-3 Multi-Family Residential Zone.**

- a. **Residential Uses.** A minimum of 200 square feet of open space is required for each dwelling unit.
 - b. **Development Standards.**
 - (1) **Front Setback.** The garage driveway can be 15 feet from the right-of-way only for a side-loading garage. See Figure 2-2 (Side-Loading Garage).
 - (2) **Side Setback.** If the dwelling units are two stories and are adjacent to single-family residential zone, then the side setback shall be 12 feet.
6. **R-4 Multi-Family Residential Zone.**
- a. **Residential Uses.** A minimum of 200 square feet of open space is required for each dwelling unit.
 - b. **Development Standards.**
 - (1) **Front Setback.** The garage driveway can be 15 feet from the right-of-way only for a side-loading garage. See Figure 2-2 (Side-Loading Garage).
 - (2) **Separation from Adjacent Single-Family.** A six-foot-high masonry wall shall be built for three or more dwelling units adjacent to single-family residential zone.
 - (3) **Side Setback.** If the dwelling units are two stories and are adjacent to single-family residential zone, then the side setback shall be 12 feet.
7. **M-H Single-Family Mobile Home Residential Zone.** Single-family dwellings shall be a mobile/manufactured home with or without a permanent foundation or a tiny home not on a permanent foundation. (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

Chapter 18.14

COMMERCIAL ZONES (C-P, C-1, C-2, C-3, H-I-C, MU)

18.14.020 Commercial Land Uses and Permit Requirements

- A. **Table 2-5 Commercial Zone Allowed Uses and Permit Requirements.** Table 2-5 indicates the uses allowed within each commercial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).
- B. **Additional Regulations.** Where the last column in the Table 2-5 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.
- C. **Permit Requirement Where Construction is Involved.** Each land use specified in the following land use table as allowed with a "P" as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances) or a Site Plan and Design Review (Chapter 18.122).
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.
- E. **Uses Not Listed.** Commercial uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in a particular zone and, if so, the type of permit required, in compliance with Section 18.04.040 (Uses Not Classified).

**Table 2-5
Commercial Zone Allowed Uses and Permit Requirements**

P	Allowed by Right
A	Administrative Permit (Chapter 18.114)
CUP	Conditional Use Permit (Chapter 18.116)
TUP	Temporary Use Permits (Chapter 18.124)
-	Not allowed

Land Use (see Article 8 for land use definitions)	CP	C-1	C-2	C-3	H-I-C	MU	Additional Regulations
Educational, Institutional, Public Assembly, and Recreational							
Arcades	-	-	P	P	A	-	
Bowling Alleys	-	-	A	A	A	-	
Business Colleges or Vocational Schools	A	-	A	A	-	A	
County and Public Facilities	-	-	A	-	-	A	
Gymnasiums (5,000 sq. ft. or less sq. ft.)	P	P	P	P	P	-	18.14.040(B)
Gymnasiums (5,001 sq. ft. to 30,000 sq. ft.)	A	P	P	P	P		
Gymnasiums (greater than 30,000 sq. ft.)	A	-	A	A	A	-	
Libraries	P	P	P	A	-	A	
Miniature Golf Courses	-	-	P	A	A	-	
Museums	P	-	A	-	-	A	
Parks and Playgrounds	-	-	P	-	A	A	
Places of Assembly (200-person capacity or less in the main assembly area)	P	-	-	-	-	-	18.60.210 18.14.040(B)
Places of Assembly (more than 200-person capacity in the main assembly area)	A	A	A	-	-	A	18.60.210 18.14.040(B)
Pool Halls	-	-	P, A	-	-	-	18.14.040(B)
Private Clubs (200-person capacity or less in the main assembly area)	-	P	P	P	-	-	
Private Clubs (more than 200-person capacity in the main assembly area)	-	-	A	A	-	-	
Recreational Vehicle Parks (RV)	-	-	CUP	CUP	A	-	
Skating Rinks	-	-	A	A	-	-	
Theaters, Auditoriums	-	-	A	A	-	-	
Residential							
Employee Housing, Residential (6 or less residents)	A	A	A	A	A	A	18.60.090
Community Care Facilities (6 or less residents)	A	A	A	A	A	A	
Community Care Facilities (greater than 7 residents)	CUP	CUP	CUP	CUP	CUP	CUP	
Home Occupations	P	P	P	P	P	P	18.60.070
Multi-Family Housing	-	-	-	-	-	P	

Land Use (see Article 8 for land use definitions)	CP	C-1	C-2	C-3	H-I-C	MU	Additional Regulations
Mobile Home Parks			CUP	CUP	A		18.60.110
Short-Term Rentals	A	A	A	A	A	A	18.60.270 18.14.040(A)
Single-Family Dwelling	A	A	A	A	A	A	18.14.040(A)
Single-Room Occupancy Units (SRO)	-	-	-	-	-	P	18.60.120
Supportive Housing	-	-	-	-	-	P	
Transitional Housing	-	-	-	-	-	P	
Retail							
Alcohol Beverage Sales Businesses	-	A	A	A	-	A	18.60.030
Auction Establishments	-	-	A	A	-	-	
Boat Sales and Services	-	-	P	A	-	-	
Farm Equipment Machinery (used)	-	-	CUP	A	-	-	
Farm Equipment Machinery (new)	-	-	P	P	-	-	
Farm Produce Markets	-	P	P	P	P	-	18.60.220
Produce Stands	-	-	-	-	A	-	18.60.220
Laundromats and Dry Cleaners	-	P	P	A	-	A	
Mobile Home Sales	-	-	A	A	-	-	
Plant Nurseries	-	-	A	A	-	-	
Recreational Vehicle Sales/Service	-	-	P	A	-	-	18.60.330 18.60.340
Mobile Recycling Facilities	-	A	A	A	A	-	18.14.040(A) 18.60.170
Retail Sales (30,000 sq. ft. or less)	-	P	P	P	P	P	18.14.040(B)
Retail Sales (30,001 sq. ft. 50,000 sq. ft.)	-	A	A	A	A	A	18.14.040(B)
Retail Sales (greater than 50,000 sq. ft.)	-	-	CUP	CUP	CUP	CUP	18.14.040(B)
Shopping Centers (30,000 sq. ft. or less)	-	P	P	P	-	-	
Shopping Centers (30,001 sq. ft. to 50,000 sq. ft.)	-	A	A	P	-	-	
Shopping Centers (greater than 50,000 sq. ft.)	-	-	CUP	CUP	-	-	
Temporary Uses	-	TUP	TUP	TUP	TUP	-	18.60.290 Ch. 18.124
Service							
Accessory Offices	-	P	P	P	P	A	
Art Galleries	P	P	P	P	-	A	
Art Studios	P	P	P	P	-	A	
Banks and Financial Services	P	P	P	P	P	P	
Bars and Night Clubs	-	-	CUP	A	A	A	
Childcare, Day Care Centers	A	A	A	A	-	A	
Family Childcare Facilities, Small	A	A	A	A	-	P	18.60.150
Family Childcare Facilities, Large	A	A	A	A	-	A	18.60.150

Land Use (see Article 8 for land use definitions)	CP	C-1	C-2	C-3	H-I-C	MU	Additional Regulations
Flea Markets	-	-	CUP	CUP	-	-	
Frozen Food Lockers	-	-	P	P	-	-	
Heavy Equipment Repair Shops	-	-	A	A	-	-	
Hospitals (60 beds or less)	-	-	A	A	-	-	
Hospitals (more than 60 beds)	-	-	CUP	CUP	-	-	
Hotels and Motels (80 rooms or less)	-	-	A	A	A	-	18.14.040(A)
Hotels and Motels (more than 80 rooms)	-	-	CUP	CUP	CUP	-	18.14.040(A)
Kennels and Animal Boarding	-	-	P	P	-	-	
Mechanical Car Washes	-	-	P	P	-	-	
Semi-Mobile Food Vendors	A	A	A	A	A	A	18.60.260
Mortuaries, Funeral Homes	-	-	P	-	-	-	
Offices (administrative, business, medical, and professional 5,000 sq. ft. or less)	P	P	P	P	P	P	
Offices (administrative, business, medical, and professional greater than 5,000 sq. ft.)	A	A	A	-	-	A	
Personal Services, General	-	P	P	-	P	A	
Personal Services, Restricted	-	A	A	-	A	A	18.14.040(A)
Photographic Studios	P	-	P	-	-	A	
Restaurants	A	P	P	P	P	A	18.14.040(B)
Small Appliance Repair Shops	-	P	P	-	-	A	
Truck Stop	-	-	-	A	A	-	
Vehicle/Motorcycle Sales Facilities (general/new)	-	-	P	A	-	-	18.60.340
Vehicle/Motorcycle Sales Facilities (general/used)	-	-	CUP	A	-	-	18.60.340
Vehicle/Motorcycle Sales Facilities (wholesale)	-	-	A	A	-	-	18.60.340
Vehicle Parts Sales (new)	-	P	P	-	P	-	
Vehicle Repair Facilities	-	-	CUP	A	A	-	18.60.330
Vehicle Service Stations	-	P, A	P, A	P	P	-	18.14.040(A) 18.60.250
Storage and Manufacturing							
Clothing Manufacturing	-	-	-	A	-	-	
Contractors Storage Yard	-	-	A	P	-	-	
Furniture Manufacturing	-	-	-	A	-	-	
Long-Term Vehicle Parking	-	-	A	-	P, A	-	18.14.040(B)
Metal Fabrication and Sales	-	-	-	-	A	-	
Outdoor Storage	-	-	-	A	-	-	
Printing/Publishing Plants	-	-	-	P	P	-	
Vehicle Storage	-	-	CUP	P	P	-	
Warehousing	-	-	-	CUP	CUP	-	

Land Use (see Article 8 for land use definitions)	CP	C-1	C-2	C-3	H-I-C	MU	Additional Regulations
Wholesale and Distribution	-	-	-	CUP	CUP	-	
Transportation and Communication							
Vehicle Rental Facilities	-	-	P	P	P	-	
Bus and Truck Terminals	-	-	CUP	A	A	-	
Heliports	-	-	CUP	CUP	CUP	-	
Radio and Television Studios	P	-	P	P	P	-	
Vehicle Storage on Maximum 2 Acres	-	-	A	-	-	-	
Wireless Telecommunication Towers (100 feet or less in height)	A	A	A	A	A	A	Ch. 18.68
Wireless Telecommunication Towers (greater than 100 feet in height)	CUP	CUP	CUP	CUP	CUP	CUP	Ch. 18.68

(Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

Chapter 18.16

INDUSTRIAL ZONES (B-P, M-1, M-2)

18.16.020 Industrial Zone Land Uses and Permit Requirements

- A. **Table 2-7 Industrial Zone Allowed Uses and Permit Requirements.** Table 2-7 indicates the uses allowed in each industrial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Code Administration).
- B. **Additional Regulations.** Where the last column in Table 2-7 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Zoning Code may also apply.
- C. **Permit Requirement Where Construction is Involved.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, construction, reconstruction, or remodeling) may require the issuance of a Zoning Clearance in compliance with Chapter 18.128 (Zoning Clearances) or a Site Plan and Design Review (Chapter 18.122).
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations.
- E. **Uses Not Listed.** Industrial uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and, if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified).

**Table 2-7
Industrial Zone Allowed Uses and Permit Requirements**

P	Allowed by Right
A	Administrative Permit (Chapter 18.114)
CUP	Conditional Use Permit (Chapter 18.116)
TUP	Temporary Use Permits (Chapter 18.124)
-	Not allowed

Land Use (see Article 8 for land use definitions)	BP	M-1	M-2	Additional Regulations
Educational, Institutional, Public Assembly, and Recreational				
Auction Establishments	-	A	A	
Gym/Athletic Clubs	A	A	A	
Schools (specialized training and education)	A	A	A	
Manufacturing and Fabrication				
Asphalt Hot Mix Plants	-	A	A	
Boat Building, Sales, and Repair	-	A	A	
Bottling Plants	-	A	A	
Brick and Tile Manufacturing Plant, Electrical, and Electronic Equipment	-	-	CUP	
Building Materials Sales	-	P	P	
Carpet and Rug Manufacturing	-	-	CUP	
Cement, Lime, or other Building Materials	-	CUP	CUP	

Land Use (see Article 8 for land use definitions)	BP	M-1	M-2	Additional Regulations
Clothing Products	A	A	A	
Concrete, Gypsum, and Plaster Products	-	A	A	
Fertilizer, Insecticides, etc., Storage and Distribution	-	CUP	CUP	
Fertilizer, Insecticides, etc., Manufacturing	-	-	CUP	
Food Products Packing Plants	-	A	A	
Furniture Manufacturing	-	A	A	
Machine Tools Manufacturing Plants	-	A	A	
Manufacturing Plants	A	A	A	
Paint, Shellac, Turpentine, or Varnish, Storage and Distribution	-	P	A	18.16.040(B)
Paint, Shellac, Turpentine, or Varnish, Manufacturing	-	-	CUP	18.16.040(B)
Paper Product Manufacturing	-	A	A	
Printing and Publishing Plants	P	P	A	
Rendering Plants	-	-	CUP	
Rubber Fabrication	-	A	A	
Sign and Banner Shops	P	P	P	
Soap Manufacturing (cold mix)	-	A	A	
Soap Manufacturing (hot mix)	-	-	CUP	
Structural Clay and Pottery Products	-	P	P	
Textile and Leather Products	-	A	A	
Tire Manufacturing, Rebuilding, Recapping, and Retreading Plants	-	-	CUP	
Wineries, Distilleries, and Breweries	-	-	CUP	
Residential				
Emergency Shelters	-	P	P	18.60.060
Employee Housing, Residential (6 or less residents)	-	A	A	18.60.090
Community Care Facilities	-	A	A	
One Caretaker Dwelling per Parcel	A	A	A	
Retail				
Accessory Products Sold Wholesale or Manufactured on Site	-	P	P	
Adult Entertainment	-	CUP	CUP	Merced County Code Ch. 6.12
Flea Market	-	CUP	CUP	
Temporary Uses	TUP	TUP	TUP	18.60.290 Ch. 18.124
Service				
Dry Cleaning Plants and Laundries	-	A	A	
Medical Laboratories	P	A	A	
Offices	P	A	A	
Recycling Facilities	-	A	P	18.60.240
Restaurants	A	A	A	
Semi-Mobile Food Vendors	A	A	A	18.60.260
Vehicle Repair Facilities	-	A	A	18.60.330

Land Use (see Article 8 for land use definitions)	BP	M-1	M-2	Additional Regulations
Storage				
Mini Storage Facilities	-	P	P	18.60.160
Outdoor Storage	-	P	P	18.32.030
Warehousing of Manufactured Products	A	-	CUP	18.16.040(A)
Transportation and Communication				
Heliports	-	CUP	CUP	
Wireless Telecommunication Towers (100 feet or less in height)	-	A	A	Ch. 18.68
Wireless Telecommunication Towers (greater than 100 feet in height)	-	CUP	CUP	Ch. 18.68
Truck Stops	-	A	A	
Vehicle and Commercial Vehicle Storage	-	P	P	
Vehicle Impound Lots	-	A	A	18.60.320
Wrecking Yards	-	-	CUP	18.16.040(A) 18.60.310

(Ord. 1976 § 2, 2019).

Chapter 18.26

SPECIAL FLOOD HAZARD AREAS

18.26.020 Definitions

Unless otherwise specified below, the following words or phrases are limited to use in this chapter. Additionally, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory Structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Agricultural Structure. A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Alluvial Fan. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

Alteration of a Watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Apex. The point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

Area of Shallow Flooding. A designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See "Special Flood Hazard Area."

ASCE 24. The standard Flood Resistant Design and Construction, referenced by the building code, developed and published by the American Society of Civil Engineers, Reston, VA. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the building code.

Base Flood. A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

Basement. Any area of the building having its floor subgrade, i.e., below ground level, on all sides.

Building. See "Structure."

Building Code. California Code of Regulations Title 24, the California Building Standards Code, the family of building codes specifically adopted by the State of California and composed of:

1. Part 2, applicable to buildings and structures other than dwellings within the scope of this part.
2. Part 2.5, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
3. Part 10, applicable to existing buildings (as defined in that code).
4. Other specified codes.

Design Flood. The flood associated with the greater of the following two areas: [Also defined in CCR Title 24 Part 2.]

1. Area with a flood plain subject to a 1-percent or greater chance of flooding in any year.
2. Area designated as a flood hazard area on a community's flood hazard map, or otherwise legally designated.

Design Flood Elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where a depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet (610 mm). [Also defined in CCR Title 24 Part 2.]

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Dry Floodproofing. A combination of measures that results in a structure, including the attendant utilities and equipment, being watertight with all elements substantially impermeable to the entrance of floodwater and with structural components having the capacity to resist flood loads.

Encroachment. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

Existing Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood, Flooding, or Floodwater.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and
2. The condition resulting from flood-related erosion (see "Flood-Related Erosion").

Flood Boundary and Floodway Map (FBFM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

Flood Control Project. A dam or barrier designed and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

Flood Damage-resistant Materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in CCR Title 24 Part 2.]

Flood Hazard Boundary Map (FHBM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see "Flooding").

Floodplain Administrator. The individual appointed to administer and enforce the floodplain management regulations.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plan, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations. This Code, subdivision regulations, building codes, health regulations, special purpose chapters (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

Flood-Related Erosion. The collapse or subsidence of land along the shore of a lake or other body of water as undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-Related Erosion Area. A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-Related Erosion Area Management. The operation of an overall program of corrective and preventative measure for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

Floodway Fringe. The area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

Fraud and Victimization. A term related to Section 18.26.060 (Variance Procedure), of this chapter, and means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Board of Supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Functionally Dependent Use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing Body. The County Board of Supervisors.

Hardship. Related to Section 18.26.060 (Variance Procedure) of this chapter and means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places, in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior in states with approved programs.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. **Letter of Map Amendment (LOMA).** An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. **Letter of Map Revision (LOMR).** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. **Letter of Map Revision Based on Fill (LOMR-F).** A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. **Conditional Letter of Map Revision (CLOMR).** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

Lowest Floor. The lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to, the following standards:
 - a. The wet floodproofing standards in Section 18.26.050(A)(3)(b);
 - b. The anchoring standards in Section 18.26.050(A)(1);
 - c. The construction materials and methods standards in Section 18.26.050(A)(2);
 - d. The utilities standards in Section 18.26.050(B).
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. Shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by written explanation of the differences.

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

New Construction. For floodplain management purposes, structures for which the “start of construction” commenced on or after January 3, 1979 the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

Nuisance. That which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Obstruction. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare or collect debris carried by the flow of water, or is likely to be carried downstream.

One-Hundred-Year Flood. See “Base Flood.”

Permit for Floodplain Development. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specified development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

Public Safety and Nuisance. As related to Section 18.26.060 (Variance Procedure) of this chapter, that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage of use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

Recreational Vehicle. A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Remedy a Violation. To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Code or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See "Area of Shallow Flooding."

Special Flood Hazard Area (SFHA). An area having special flood, mudslide (i.e., mudflow), or flood related hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, or AH.

Start of Construction. Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; or
3. Routine maintenance activities which do not change the shape or character of the existing structure. Examples of routine maintenance include, but are not limited to, replacement of electrical service panels, re-roofing, siding replacement, heating and air conditioning replacement and window replacement.

Utility and Miscellaneous Group U. Buildings and structures of an accessory character and miscellaneous structure not classified in any special occupancy, as described in the building code.

Variance. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, or slough identified on the current 15-minute Quadrangle Maps published by the U.S. Geological Survey and on file in the Merced County surveyor's office. (Ord. 1976 § 2, 2019).

18.26.030 General Provisions

- A. **Lands to Which this Chapter Applies.** This chapter shall apply to all areas of special flood hazards within the jurisdiction of Merced County.
- B. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated August 2, 1995 and accompanying Flood Insurance Rate Maps (FIRMs) dated August 2, 1995, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Board of Supervisors by the floodplain administrator. The study, and FIRMs are on file at 2222 "M" Street, County Administration Building, Community and Economic Development Department.
- C. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this chapter and other applicable regulations.
 1. **Violations.** Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of the elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the building code, is pre-

sumed to be a violation until such time as required documentation is submitted. Violation of the requirements shall constitute a misdemeanor.

2. **Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the building codes, but is regulated by these regulations and that is determined to be a violation.
 3. **Unlawful Continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.
 4. **Inspections, in General.** Development for which a permit for floodplain development is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.
 5. **Inspections of Development Other Than Buildings and Structures.** The Floodplain Administrator shall make or cause to be made, inspections of all development other than buildings and structures that is authorized by issuance of a permit for floodplain development under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine when development is undertaken without issuance of a permit.
 6. **Inspections of Manufactured Homes Installations.** The Floodplain Administrator shall make or cause to be made, inspections of installation and replacement of manufactured homes in flood hazard areas authorized by issuance of a permit for floodplain development under these regulations. Upon installation of a manufactured home and receipt of the elevation certification required in Section 304-1 of these regulations the Floodplain Administrator shall inspect the installation or have the installation inspected.
 7. **Buildings and Structures.** The Building Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit, in accordance with the building code:
 - a. **Lowest Floor Elevation.** Upon placement of the lowest floor and/or prior to pouring concrete for slab-on-grade construction, including the basement, and prior to further vertical construction, certification of the elevation required in the building code shall be prepared by a licensed land surveyor or registered civil engineer and submitted to the building official, and/or their designee(s).
 - b. **Final Inspection.** Prior to the final inspection, certification of the elevation required in the building code shall be prepared by a licensed land surveyor or registered civil engineer and submitted to the building official, and/or their designee(s).
- D. **Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. **Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- F. **Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Board of Supervisors, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- G. **Severability.** The ordinance codified in this chapter and the various parts thereof are declared to be severable. Should any section of said ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of said ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1976 § 2, 2019).

18.26.040 Administration

- A. **Establishment of Development Permit.** A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 18.26.030(B) (General Provisions: Basis for Establishing the Areas of Special Flood Hazard). Application for a development permit shall be made on forms furnished by the Floodplain Administrator or Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Site plan, including, but not limited to:
 - a. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - b. Proposed locations of water supply, sanitary sewer, and utilities;
 - c. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
 - d. If applicable, the location of the regulatory floodway.
 2. Foundation design detail, including, but not limited to:
 - a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b. For a crawl-space foundation, location and total net area of foundation openings as required in Section 18.26.050(A)(3) (Provisions for Flood Hazard Reduction: Elevation and Floodproofing) and FEMA Technical Bulletins 1-93 and 7-93; and
 - c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test method).

3. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed, as required in Section 18.26.050(A)(3)(b) (Provisions for Flood Hazard Reduction: Elevation and Floodproofing) of this chapter and FEMA Technical Bulletin TB 3-93.
 4. All appropriate certifications listed in paragraph (C)(4) below.
 5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. **Designation of the Floodplain Administrator.** The Director of Community and Economic Development, is designated as the Floodplain Administrator. They, or their designee(s), will administer, implement, and enforce this chapter by granting or denying development permits in compliance with its provisions.
- C. **Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator, and/or their designee(s), shall include, but not be limited to, the following:
1. **Permit Review.** Review all development permits to determine that:
 - a. Permit requirements of this chapter have been satisfied;
 - b. All other required State and Federal permits have been obtained;
 - c. The site is reasonably safe from flooding; and
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
 - e. **Substantial Improvement and Substantial Damage Determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, and/or their designee(s), shall:
 - (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 - (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.
 - (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
 - (4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

2. **Information in Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator is authorized to:
 - a. Require the applicant to include base flood elevation data prepared by a qualified professional engineer in accordance with currently accepted engineering practices. Such analyses shall be performed and sealed by a qualified professional engineer. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator and/or their designee(s). The accuracy of data submitted for such determination shall be the responsibility of the applicant.
 - b. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 - c. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - (1) Require the applicant to include base flood elevation data in accordance with Section 18.26.040(C)(2)(a) of these regulations; or
 - (2) Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
 - d. Where the base flood elevation data are to be used to support a request for a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a qualified professional engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
3. **Notification of Other Agencies.** In alteration or relocation of a watercourse, the applicant shall:
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of the notification to the FIA, FEMA; and
 - c. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.
4. **Documentation of Floodplain Development.** The applicant shall obtain and maintain for public inspection and make available as needed the following:
 - a. Certification required by Section 18.26.050(A)(3)(a) (lowest floor elevation); and 18.26.050(D);
 - b. Certification required by Section 18.26.050(A)(3)(b) (elevation or floodproofing of nonresidential structures);
 - c. Certification required by Sections 18.26.050(A)(3)(c) (wet floodproofing standard);
 - d. Certification of elevation required by Section 18.26.050(C)(2) (subdivision standards);
 - e. Certification required by Section 18.26.050(F)(1) (floodway encroachments).

5. **Map Determinations.** Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection F of this section.
 6. **Notification to FEMA.** Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
 7. **Remedial Action.** Take action to remedy violations of this chapter as specified in Section 18.26.030(C) (General Provisions: Compliance).
- D. **Duties and Responsibilities of the Planning Director.** The Director shall transmit to the Floodplain Administrator, and/or their designee(s), all development proposals within the special flood hazard areas of Merced County for review and conditioning as related to the National Flood Insurance Program and this chapter.
- E. **Floodplain Management Fee.** Any person desiring a permit to develop a project or construct a structure (including a manufactured home) located or to be located in any special flood hazard area of Merced County shall pay the applicable floodplain management fee prior to the issuance of the required Building Permit.
1. The alteration or modification of any watercourse shall be reviewed by the Floodplain Administrator and requires a deposit determined by the Floodplain Administrator. This deposit may be adjusted after the project scope is determined by the Floodplain Administrator. The actual fee paid will be the actual cost incurred by the County in processing the watercourse alteration request and any funds remaining in said deposit will be refunded to the applicant.
- F. **FEMA Elevation Certificate.** All new construction required to be in compliance with flood zone regulations as specified in 18.26 must provide the following:
1. A FEMA Elevation Certificate is to be provided to the Floodplain Administrator, and/or their designee(s), when receiving a foundation forms inspection (prior to the pouring of concrete).
 2. A FEMA Elevation Certificate is to be provided to the Floodplain Administrator, and/or their designee(s), when construction is complete and before a Certificate of Occupancy is issued
- G. **Appeals.** The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. (Ord. 1976 § 2, 2019).

18.26.050 Provisions for Flood Hazard Reduction

- A. **Standards of Construction.** In all areas of special flood hazards, the following standards are required:
1. **Anchoring.**

- a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes shall meet the anchoring standards specified in subsection D (Standards for Manufactured Homes) of this section.
2. **Construction Materials and Methods.** All new construction and substantial improvements shall be constructed:
 - a. With flood-resistant materials as specified in FEMA Technical Bulletin TB2-93, and utility equipment resistant to flood damage;
 - b. Using methods and practices that minimize flood damage;
 - c. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding; and
 - d. If located within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
3. **Elevation and Floodproofing.** See Section 18.26.020: Definitions of “basement,” “lowest floor,” “new construction,” “substantial damage,” and “substantial improvement.”
 - a. **Residential Construction.** New or substantial improvements, shall have the lowest floor, including the basement:
 - (1) In an AO zone, elevated above the highest adjacent grade to a height one foot higher, as required by the California Building Code and ASCE 24, than the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
 - (2) In an A zone, elevated to a height of one foot higher, as required by the California Building Code and ASCE 24, than the base flood elevation, and the base flood elevation shall be determined by one of the methods described in Section 18.26.040(C)(2).
 - (3) In all other zones, elevated to or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the County Building Inspector to be properly elevated. The certification or verification, in the form of a FEMA Elevation Certificate, shall be provided to the Floodplain Administrator, and/or their designee(s).
 - b. **Nonresidential Construction.** New or substantial improvements, shall either be elevated to conform with subparagraph (A)(3)(a), above or in conjunction with attendant utility and sanitary facilities standards:
 - (1) Be floodproofed below the elevation recommended in subparagraph (A)(3)(a), above so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. The certification shall be provided to the Floodplain Administrator, and/or their designee(s).

c. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines specified in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

(1) Be certified by a registered professional engineer or architect; or

(2) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exist of floodwater.

d. Manufactured homes shall also meet the standards specified in subsection D.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

a. Infiltration of floodwaters into the systems; and

b. Discharge from the systems into floodwaters.

2. On-site waste disposal systems shall be located to avoid impairment, or contamination during flooding.

C. Standards for Subdivisions.

1. All preliminary subdivision maps/plans shall identify the special flood hazard area and the elevation of the base flood.

2. All subdivision maps/plans shall provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator, and/or their designee(s).

3. All subdivision maps/plans shall be consistent with the need to minimize flood damage.

4. All subdivision maps/plans shall design public utilities and facilities (i.e., sewer, gas, electrical, and water systems) located and constructed to minimize flood damage.

5. All subdivision maps/plans shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved within Zones A, AO, AH, and AE on the County's Flood Insurance Rate Map, on sites located:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

- c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to a height of one foot higher, as required by the California Building Code and ASCE 24, than the base flood elevation and be securely fastened to an adequately anchored foundation system to resist partial collapse and lateral movement.
 2. All manufactured homes to be placed or substantially improved on sites located in an existing manufactured home park or subdivision within Zones A, AO, AH, AE, on the County’s Flood Insurance Rate Map that are not subject to the provisions of this subsection shall be securely fastened to an adequately anchored foundation system to resist partial collapse and lateral movement, and elevated so that either:
 - a. The lowest floor of the manufactured home is at a height of one foot higher, as required by the California Building Code and ASCE 24, than the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.
 3. Upon the completion of installing the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the County Building Inspector to be properly elevated. The certification and verification shall be provided to the Floodplain Administrator, or their designee(s).
- E. **Standards for Recreational Vehicles.** All recreational vehicles placed on sites located within Zones A, AO, AH, and AE on the County’s Flood Insurance Rate Map shall either:
 1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 2. Meet the permit requirements specified in this subsection and the elevation and anchoring requirement for manufactured homes specified in this paragraph.
- F. **Floodways.** Located within areas of special flood hazard are areas designated as floodways. Floodways are identified on the latest FIRMs and include those areas within the banks of all rivers, creeks, streams, or sloughs shown on the 15-minute Quadrangle Map which are located within the special flood hazard areas. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:
 1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
 2. If paragraph (F)(1), above is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section. (Ord. 1976 § 2, 2019).

Article 3: Regulations Applicable to All Zones

Chapter 18.32

ACCESSORY STRUCTURES

18.32.030 Development Standards

- A. **Agricultural Accessory Structures.** Accessory structures are permitted in agricultural zones only when they comply with the following regulations:
1. Accessory structures shall be considered part of the main structure if connected by a common wall of not less than five feet in length, or if not more than 20 feet from the main structure and connected by a roof of not less than five feet in width.
 2. Animal corrals, pens, shade structures, and other similar structures shall be a minimum of 20 feet from the main structure.
 3. Temporary storage and moving containers (e.g., PODS) are permitted and shall comply with the designated setbacks for the zone in which the parcel is located.
 4. Cargo containers used as accessory structures require the approval of an Administrative Permit in all agricultural zones.
 - a. **Development Standards.**
 - (1) Cargo containers shall not be used for human occupancy.
 - (2) Signs shall not be mounted or attached onto cargo containers.
 - (3) Cargo containers, where permitted, shall not be stacked.
 - (4) Except for temporary cargo containers for storage, moving, or in conjunction with an authorized construction project, cargo containers shall be painted a uniform earthen hue color (e.g., beige, tan, brown).
 - b. **Exceptions.** Cargo containers used as a temporary office on a construction site require the approval of a Temporary Use Permit and are required to be removed when construction concludes on the project.
- B. **Slabs, Decks, and Platforms.** In residential zones, slabs not exceeding 30 inches or more above the ground may be built up to property lines, decks, and platforms shall be located at least three feet from any rear or side property lines. Decks exceeding 30 inches or more above the ground, or which have vertical components or fixed seats above the finished surface within five feet of the main structure, shall be considered part of the main structure and shall adhere to the setback requirements specified in Article 2 (Zones, Allowable Uses, and Development Standards).
- C. **Residential Zones, Nonexempt Structures.** Accessory structures are permitted in residential zones only when they comply with the following regulations:
1. No accessory structure shall exceed 600 square feet on a parcel less than one-quarter acre.
 2. **Setbacks.**
 - a. **Rear Setback.** The minimum rear setback shall be 5 feet.
 - b. **Side Setback.** If the parcel is an interior parcel, the minimum setback shall be 5 feet.

- c. Accessory structures shall conform to all other setback requirements for the specific zone in which the parcel is located, see Section 18.12.030 (Residential Zone Development Standards).
3. No accessory structure shall encroach into the required front setback or the required side setback area on the street side of a corner parcel. Landscape amenities (i.e., arbors, trellises, and pergolas) shall conform with the accessory structure height requirements in Section 18.12.030 (Residential Zone Development Standards). Accessory structures located within the front one-half of the parcel shall be constructed of materials, colors, and architectural design consistent with the main structure.
4. Accessory structures shall be limited to 15 feet in height. The accessory structure shall not exceed the height of the primary structure. An accessory structure over 15 feet in height may be approved by the Director through an Administrative Permit.
5. Temporary storage and moving containers (e.g., PODS) are permitted within the front setback of a residential property for a period not exceeding two weeks. Temporary storage and moving containers require the approval of a Building Permit.
6. Cargo containers used as accessory structures are prohibited in all residential zones, except for the R-R zone. Cargo containers require the approval of a Conditional Use Permit in the R-R zone.
 - a. **Development Standards.**
 - (1) Cargo containers shall not be used for human occupancy.
 - (2) Signs shall not be mounted or attached onto cargo containers.
 - (3) Cargo containers, where permitted, shall not be stacked.
 - (4) Except for temporary cargo containers for storage, moving, or in conjunction with an authorized construction project, cargo containers shall be painted a uniform earthen hue color (e.g., beige, tan, brown).
 - b. **Exceptions.** Cargo containers used as a temporary office on a residential construction site require the approval of a Temporary Use Permit and are required to be removed when construction concludes on the project.
7. Accessory structures shall be considered part of the main structure if connected by a common wall of not less than five feet in length, or if not more than 20 feet from the main structure and connected by a roof of not less than five feet in width.
8. No more than two accessory structures are permitted on any one parcel.
9. Accessory structures shall not occupy more than 15 percent of the rear yard; nor shall accessory structures plus the main structures on any site occupy more than the maximum parcel coverage as specified for the zone in which the parcel is located. Any single accessory structure, except for those in the RR Zone, exceeding 600 square feet in size shall be constructed of the same materials, colors, and architectural style as the main structure.
10. Freestanding membrane-covered accessory structures, including rigid, framed, canvas-covered carports and cabanas, may be allowed, provided they meet all requirements for accessory structures, as well as the following added restrictions:
 - a. A membrane accessory structure shall not be constructed within the front one-half of the parcel on which it is located or within the required side setback on the street side of a corner parcel.

- b. The membrane roof or side coverings shall have all edges fastened and restrained with sufficient tension to prevent movement or flapping of the membrane material in winds, up to the design standard for wind in Merced County.
- c. Structural supports shall not encroach into any required setback.

D. Commercial and Industrial Accessory Structures.

- 1. All accessory structures in commercial and industrial zones shall conform to all applicable main structure development standards.
- 2. One caretaker unit is allowed for the principal use on the property.
- 3. Cargo containers used as accessory structures require the approval of an Administrative Permit in all commercial and industrial zones.
 - a. **Development Standards.**
 - (1) Cargo containers shall not be used for full-time human occupancy.
 - (2) Signs shall not be mounted or attached onto cargo containers.
 - (3) Cargo containers, where permitted, shall not be stacked.
 - (4) Except for temporary cargo containers for storage, moving, or in conjunction with an authorized construction project, cargo containers shall be painted a uniform earthen hue color (e.g., beige, tan, brown).
 - b. **Exceptions.** Up to two cargo containers are allowed as temporary offices on a construction site and require the approval of a Temporary Use Permit. The cargo container(s) shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction of the project, whichever first occurs. (Ord. 1976 § 2, 2019).

Chapter 18.38

OFF-STREET PARKING REGULATIONS AND DESIGN STANDARDS

18.38.040 Off-Street Parking Space Requirements

- A. **Parking Spaces Required by Type of Use.** Table 3-8 (Off-Street Parking Space Requirements) includes the number of off-street parking spaces required for specific land uses. These standards shall apply at the time a new structure is erected, when an existing structure is altered or enlarged, when a new land use is established, and/or when a land use is intensified by the addition of floor space or seating capacity, unless otherwise specified in this chapter.
- B. **Uses Not Listed.** Where the parking requirements for a land use are not specifically listed in Table 3-8 (Off-Street Parking Space Requirements), below, the parking requirements for the use shall be determined by the Director. The Director shall establish a parking standard based on the similarity and parking demand of listed uses.
- C. **Calculation of Spaces Required.**
1. **Gross Floor Area.** For this chapter, “floor area” for offices, merchandising, or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area does not include areas used principally for non-public purposes, including kitchens, storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management or maintenance of stores or structures, toilet or restrooms, utilities, dressing rooms, or fitting or alteration rooms.
 2. **Fractional Spaces.** Fractional parking space requirements shall be rounded up to the next whole space.
- D. **Parking Required On Site.** All required parking shall be located on the same parcel or development site as the uses served, except for parking located off-site in compliance with Section 18.38.130 (Off-Site Designated Parking: Alternate Parking Location).
- E. **Parking in Density Bonus Projects.** For the number of parking spaces required for density bonus projects see Section 18.66.050(B) (Parking Requirements in Density Bonus Projects: Number of Parking Spaces Required).
- F. **Permanent Availability Required.** Each required parking and loading space shall be permanently available and maintained for parking purposes for the use it is intended to serve.
- G. **Storage of Inoperable Vehicles—Residential Zones.** All motor vehicles incapable of movement under their own power, other than in cases of emergency, shall be stored in an entirely enclosed space or carport in any residential zone. Exceptions to this provision shall be for all agricultural zones.
- H. **Restrictions.** The parking of vehicles shall not obstruct sidewalks, pedestrian walkways, and vehicular driveways and aisles.
- I. **Multi-Ton Vehicle Restrictions.**
1. **Residential Zones.** The on-street and front setback storage, keeping, or maintaining of commercial vehicles of more than five-ton rating, except recreational vehicles, is prohibited in the R-1, R-1-5000, R-2, R-3, R-4, and M-H zones. See Merced County Code Section 11.12.040 (Parking Commercial Vehicles in Residential Districts). Nonconforming status shall not be granted.2.

- J. **Residential Parking Location.** For all residential uses, required off-street parking areas shall be located not more than 200 feet from and conveniently accessible to the dwelling unit served by the parking space.
- K. **Nonconforming Parking and Loading.** Land uses and structures that are nonconforming due solely to the lack of off-street parking or loading facilities required by this chapter, shall be subject to the provisions of Article 5 (Nonconformities).
- L. **ADA Accessible Parking.**
1. ADA accessible parking shall be provided in compliance with the requirements in Table 3-9 (ADA Parking Space Requirements) and with the standards specified in the Building Code.
 2. ADA parking spaces shall be a minimum of 14 feet wide by 19 feet in length.
 3. ADA accessible parking spaces shall be located to minimize travel distance to primary structure entrances and shall attempt to avoid conditions in which any disabled person is required to wheel or walk behind parked vehicles while traveling to or from parking spaces to the primary structure entrances.
 4. One- and two-family residential units are exempted from the ADA Accessible Parking Standards.
- M. **Accessory Dwelling Unit Parking.**
1. **Required Parking.** One additional off-street parking space shall be provided for an ADU, except that parking is not required for an ADU in any of the following instances:
 - a. The ADU is located within one-half mile of public transit; or
 - b. The ADU is part of an existing accessory structure.
 2. **Tandem Parking.** A parking space for an ADU may be provided as tandem parking on an existing driveway.
 3. **Conversion.** When an existing garage is converted to an ADU, or when a carport or covered parking structure is demolished in conjunction with the construction of an ADU, the required replacement spaces must be located on the same parcel and may be covered, uncovered, or tandem spaces.

**Table 3-8
Off-Street Parking Space Requirements**

Land Use	Number of Spaces Required
Residential Uses	
Accessory dwelling units	1 space per ADU.
Short-term rentals	1 space per short-term rental, and the parking space requirements per single-family dwelling as specified below.
Mobile home park or trailer park	2 spaces for each unit or 1 space for seniors (62 years or older), plus 1 guest space for every 5 units; spaces may be tandem.
Multi-family	1½ spaces per 1 bedroom, 2 spaces for each unit having 2–4 bedrooms, or 3 spaces for 5 or more bedrooms or rooms which could be used as bedrooms, plus 1 guest space for every 5 units. At least 1 space for each unit shall be covered with a garage or carport.
Single- and two-family dwelling	2 spaces per dwelling unit with up to 4 bedrooms, dwelling units with 5 or more bedrooms require 3 spaces at least 1 of which shall be a covered garage or carport (each space must be at least 9 feet by 19 feet).
Single room occupancy (SRO)	1 space per unit or bedroom, 1 space for an on-site manager where applicable, and 1 space

Land Use	Number of Spaces Required
	for each additional employee.
Recreation, Education, and Public Assembly Uses	
Assisted living facility	½ space per residential unit, plus 1 space per every shift employee.
Colleges; art, craft, music, and dancing schools; and business, professional and trade schools	1 space for every employee, plus 1 space for every 4 students at planned capacity or 1 space for every 4 auditorium seats, whichever is greater.
Commercial indoor and outdoor recreation	1 space for every 4 persons of allowed maximum facility capacity or occupancy.
Convalescent homes, nursing homes, and sanitariums	1 space per staff or visiting doctor, plus one space per 2 employees, plus 1 space for every 4 beds.
Day care centers	1 space for every employee, plus 2 spaces, plus 1 loading space for every 5 children.
Day care homes	2 spaces per dwelling unit, at least 1 space of which shall be a covered garage or carport.
Elementary schools	1 space for every employee, plus 1¾ spaces for each classroom, plus a bus loading area.
Emergency shelters	1 space per 10 occupants, plus 1 space for each staff member.
Golf course and driving range	4 spaces for each hole on the course, and 1 space for each tee driving range.
Hospitals	1 space for every 3 beds, plus 1 space per staff doctor, plus 1 space for every 3 staff.
Library	1 space for every 250 square feet of gross floor area, plus 1 space per every 5 seats in meeting rooms.
Middle and high schools	1 space for every employee, plus 2½ spaces for each classroom, plus a bus loading area.
Park and recreational use	1 space for every 5,000 square feet of active recreational area within a park or playground.
Places of assembly	1 space for every 4 seats or 1 space for every 50 square feet of net floor area for assembly, whichever is greater.
Theater, auditorium, sports arena, stadium, gymnasium	1 space for every 5 permanent seats or 40 square feet of gross floor area, whichever is greater, plus 1 space for each shift employee.
Value added agricultural uses and activities (e.g., agricultural tourism, agricultural retail, equestrian facilities)	1 space for each 225 square feet of gross retail floor area, plus 1 space for every 2 shift employees, plus at least 1 space for each truck associated with the operation.
Retail Uses	
All other professional offices	1 space per 250 square feet of gross floor area.
Banks, lending agencies, financial and governmental institutions, public utility offices (including drive-up facilities)	1 space per 250 square feet of gross floor area.
Boat sales, mobile home sales, retail nurseries, and other open uses not in a structure	1 space for every 3,000 square feet of gross floor area, 1 space for each facility vehicle, plus 1 space for each employee. There shall be a minimum of 4 spaces.
Food establishments with take-out provisions only	1 space for every 200 square feet of gross floor area, 1 space for each facility vehicle, plus 1 space for each shift employee. There shall be a minimum of 4 spaces.
Hotel and motels	1 space per guestroom, plus an additional 6 spaces.
Medical, dental, optometry, veterinarian, or chiropractic offices and clinics	1 space per 250 square feet of gross floor area, or 6 spaces per doctor, whichever is less.
Research facilities	1 space per 300 square feet of gross floor area.
Restaurant, cafe, night club, tavern, and other similar places where food or	1 space for every 3 seats or 100 square feet of gross floor area devoted to dining, whichever is greater, plus 1 space for each shift employee.

Land Use	Number of Spaces Required
refreshments are dispensed	
Restaurant with take-out service, walk-up, or drive-up windows and roadside stands	1 space for every 3 seats or 100 square feet of gross floor area, whichever is greater, plus 1 space for each shift employee, plus 8 spaces or 8 auto waiting spaces for each exterior service window.
Retail uses of any type, unless otherwise listed below	1 space for every 250 square feet of gross floor area.
Service stations and vehicle repair	1 space per 400 square feet of gross floor area, plus 1 space for each employee, but not less than 3 spaces total (service bays shall not be counted as part of the required parking).
Shopping centers (projects over 200,000 square feet of gross floor area)	1 space per 275 square feet of gross floor area.
Temporary or limited term produce stand (selling products grown on the property)	1 space for each 225 square feet of gross retail floor area, plus 1 space for every 2 shift employees, plus at least 1 space for each truck associated with the operation.
Vehicle sales and repair	1 space for every 400 square feet of gross floor area.
Industrial Uses	
Industrial uses of any type, unless listed below, including warehouses or structures used exclusively for storage purposes	1 spaces for each 1,000 square feet of gross floor area, plus 1 space for each facility vehicle.
Machinery sales and wholesale stores	1 space for every 800 square feet of gross floor area.
Public facility (e.g., communication equipment structure or electrical substation)	1 space for every shift employee.
Truck/car wash and maintenance facility	1½ spaces per service bay, plus 1 space per every shift employee.

**Table 3-9
ADA Parking Space Requirements**

Number of Off-Street Vehicle Spaces Provided	Minimum Number of ADA Accessible Parking Spaces Required
1-40	1
41-80	2
81-120	3
121-160	4
161-300	5
301-400	6
401-500	7
Over 500	One for each 200 additional spaces

(Ord. 1976 § 2, 2019).

18.38.120 Recreational Vehicle Parking

- A. **Purpose.** It is the intent of this section to establish regulations that apply to the storage and/or parking of trailers, boats, and other recreational vehicles in the County. As applied to this section, “storage” and “parking” shall be used interchangeably.
- B. **Residential Zones.**

1. In residential zones, recreational vehicles, boats, and trailers may be stored only on property on which the vehicle's owner resides. Storage is permitted outside a structure on a paved, graveled, or approved alternative material driveway, provided all of the following conditions exist:
 - a. Storage is permitted in the front setback only when space is not accessible in the rear or side setback, or the parcel is not on a corner and has no reasonable access to either the side or rear setback;
 - b. Inside storage is not possible;
 - c. The vehicle is stored perpendicularly to the front curb;
 - d. No part of the vehicle extends over the public sidewalk or public thoroughfare (right-of-way);
 - e. No more than one recreational vehicle, boat, or trailer is stored in the front setback of each residential unit;
 - f. The vehicle is stored at least three feet from side and rear property lines; and
 - g. The vehicle does not block access to or occupy any required parking spaces.
 2. Stored recreational vehicles and trailers shall not be:
 - a. Used for dwelling purposes, except for temporary residential use during the construction of a permanent dwelling with the approval of a Temporary Use Permit (See Chapter 18.124 Temporary Use Permits).
 - b. Permanently connected to sewer lines, water lines, or electricity. Temporary electrical connections for charging batteries and the use of electricity or propane fuel are permitted only when necessary to prepare a recreational vehicle for immediate use.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
 3. **Temporary Parking of Recreational Vehicles.** Recreational vehicles may be temporarily parked on public or private rights-of-way in front of residences for not more than 48 continuous hours. A total of 48 hours must elapse before the start of a new 48-hour period, together with movement of the vehicle a distance of at least 500 feet.
- C. **Non-Residential Zones.** An operable recreational vehicle, boat or trailer may be stored in all non-residential zones, where the vehicle belongs to the property owner or the property owner provides written permission allowing the storage. Storage allowed under this subsection shall be limited to a maximum of three vehicles at any one time. Storage of more than three recreational vehicles, boats, and/or trailers shall be considered a commercial use and shall follow applicable Zoning Code requirements regulating that use. The following rules shall apply to recreational vehicle, boat, and trailer storage in non-residential zones:
1. Storage is permitted inside any enclosed structure that conforms to the requirements of the particular zone in which the structure is located;
 2. Storage is permitted outside in a side or rear setback, provided it is not nearer than three feet to the parcel line;
 3. Stored recreational vehicles, boats, and trailers shall not be:
 - a. Used for dwelling purposes,

- b. Permanently connected to sewer lines, water lines, or electricity. Temporary electrical connections or the use of propane is permitted for charging batteries and to prepare a recreational vehicle for immediate use,
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use;
 4. The vehicle may not block access to or occupy any required parking spaces. (Ord. 1976 § 2, 2019).

18.38.200 Off-Street Truck Parking Requirements

A. Agricultural Uses.

1. Trucks parked on agricultural zoned parcels shall be part of the on-site agricultural operation or agricultural business.
2. Trucks not part of on-site agricultural operations shall not to park on site, except when permitted under the appropriate discretionary permit.
3. Off-street truck parking areas shall be surfaced with a dust-minimizing treatment or other all-weather surface to reduce impacts from dust and air pollutants.
4. Access areas shall have cattle grates to ensure on-site debris (i.e., gravel, mud, rocks) is not carried off site by truck tires.

B. Commercial Uses.

1. One off-street parking space shall be provided for every commercial use with 3,000 square feet or more of gross floor area.
2. Designated off-street truck parking areas shall be surfaced with asphalt, concrete, or other all-weather surface. For commercial uses on agricultural zoned parcels, designated off-site truck parking areas shall adhere to the requirements in subsection A above.

C. Industrial Uses.

1. One off-street parking space shall be provided for every industrial use with 3,000 to 20,000 square feet of gross floor area.
2. Two off-street parking spaces shall be provided for industrial uses greater than 20,000 square feet of gross floor area.
3. Designated off-street truck parking areas shall be surfaced with asphalt, concrete, or another all-weather surface. For industrial uses on agricultural zoned parcels, designated off-site truck parking areas shall adhere to the requirements in subsection A above.

D. Design Standards.

1. Spaces shall be a minimum of 75 feet in length and 20 feet in width, and shall have a minimum height clearance of 14 feet;
2. Spaces shall be provided and maintained on the same parcel as the agricultural, commercial, or industrial use;
3. Spaces shall not interfere with on-site vehicular circulation or parking, or with pedestrian circulation;

4. Parking areas shall be screened from the public right(s)-of-way, subject to the approval of the Director;
5. Parking areas shall be maintained in compliance with Section 18.38.170 (Parking Area Maintenance); and
6. Parking areas shall provide outdoor nighttime lighting for security and safety. The minimum requirement is one foot-candle, maintained across the surface of the parking area. Lighting standards shall be in scale with the height and use of the on-site structure(s). Any illumination, including security lighting, shall be directed downward and away from adjoining properties and public rights-of-way.

E. Truck Terminals.

1. Driveway aisles between truck parking areas shall be a minimum of 35 feet wide.
2. Parking is not permitted in the driveways, parking aisles, or maneuvering areas. (Ord. 1976 § 2, 2019).

Chapter 18.44

SIGN REGULATIONS

18.44.070 Exempt Signs

- A. **Exceptions to Sign Permits.** The following signs are allowed without a Sign Permit in any zone and shall not be included in the determination of type, area, or number of signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type as provided in this section.
1. Signs required by Federal/State law;
 2. Signs, flags, banners, emblems, or notices issued or endorsed by a constituted governmental body, public agency, court, person, or officer in performance of a public duty, including traffic or highway signs, railroad crossing signs, or similar regulatory or warning devices and legal notices;
 3. Holiday displays and decorations may be up no longer than 60 days and be removed within 10 days following the applicable holiday, but only when not creating a traffic hazard or located within any visual setback area in the sight distance triangle;
 4. **Non-Commercial Temporary Signs.** Non-commercial temporary signs such as political signs and signs including those advertising special and seasonal events when the signs contain no reference to the goods or services sold or provided by the establishment, may be allowed in any zone subject to the following limitations:
 - a. Signs shall be removed within ten days following the event;
 - b. Signs shall have a maximum of eight square feet of sign area in residential zones and a maximum of 32 square feet of sign area in all non-residential zones.
 - c. Signs are prohibited within a street intersection, sight distance triangle, or at a location where the sign may interfere with, obstruct the view of, or be confused with, an authorized traffic sign.
 - d. Signs shall not be nailed or affixed to trees, fences, or public utility poles and shall not be located in the public right-of-way, parkway, or on publicly-owned land.
 5. Commemorative plaques, tables, date of construction, and similar signs constructed of permanent material. Only one sign for each structure, not to exceed two square feet in area for each sign;
 6. Signs located inside a structure, courtyard, mall, or other similar structure, provided these signs are not conspicuously visible and readable from a public street or adjacent properties not under the same ownership;
 7. Murals or other artistic paintings on walls, provided no logos, emblems, or other similar devices, sign copy, or illustrations of activities associated with uses on the premises or in the vicinity are included in the mural or painting;
 8. "No Trespassing" signs. Each sign limited to one square foot in area. Signs may be placed at each corner and each entrance to a parcel and at intervals of not less than 50 feet or in compliance with legal requirements;
 9. **Real Estate Signs.**

- a. “For Rent,” “For Sale,” and “For Lease” signs shall be posted on the subject parcel that is being advertised by an authorized agent,
 - b. Real estate signs shall not exceed six square feet for single-family residential and 32 square feet in sign area for multi-family or non-residential for each side of a double-sided sign,
 - c. There shall be no more than one sign per parcel, and
 - d. Illuminated real estate signs are prohibited;
- 10. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags;
 - 11. Copy changes in approved changeable copy signs;
 - 12. Signs or notices incidental to a commercial, mixed-use, or industrial establishment (e.g., hours of operation, credit card information, emergency contact information, help wanted, open-closed) provided the signs do not contain any commercial messages, the establishment logo, and in total do not exceed four square feet in area for all incidental signs;
 - 13. Memorial tablets or signs and historic markers; and
- B. **Routine Maintenance.** Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign. No Sign Permit shall be required unless structural changes are proposed to be made.
 - C. **Building Permit May Be Required.** Under certain circumstances, temporary signs and other exempt signs may require a Building or Electrical Permit, as required by the California Building Code adopted by the County. (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.44.080 Prohibited Signs

Except as otherwise provided in this chapter, the following signs shall be prohibited throughout the County:

- A. Animated signs.
- B. Banners, flag, feather, pennants, statuary, streamers, whirligigs, displays, signs placed on architectural projections and merchandise primarily designed and used for sign purposes located outside of structures.
- C. Billboards.
- D. Nonconforming sign structure(s) reconstructed beyond the scope and limitations of Chapter 18.44.200 (Nonconforming Signs) of this chapter.
- E. Obsolete signs with identification, logo, or message displayed 30 days beyond the discontinuance of the activity or need for the identification, logo, or message.
- F. No red, green, or amber lights or illuminated signs that could interfere with or be confused with any official traffic control device or traffic signal or official directional guide signs.
- G. Portable signs (excluding stationary vehicle signs).
- H. Signs emitting foreign material or sound.
- I. Signs on a natural feature (i.e., rock, tree, mound, hill, or mountain).
- J. Signs on a roof or above the eaves.
- K. Tethered balloon(s) or other inflatable(s) used to draw attention to a use or event. (Ord. 1976 § 2, 2019).

Article 4: Standards for Specific Land Uses

Chapter 18.60

STANDARDS FOR SPECIFIC LAND USES

18.60.070 Home Occupations

In zones where permitted, home occupations shall require review and approval of a Zoning Clearance subject to the following standards:

A. Operation.

1. Home occupations shall be operated by individuals that reside in the household, with the exception of one nonresident employee.
2. Business operations (deliveries, traffic, etc.) shall not change the residential character of the neighborhood.
3. Vehicles relating to a home occupation shall not be parked at the subject residence if they exceed a typical utility car, van, or pickup truck. Not more than one vehicle specifically for advertising a home occupation shall be permitted.
4. Merchandise or products shall not be publicly displayed.
5. There shall be no advertising which calls attention to the home used for business purposes. Telephone listings and mass media advertising shall not include the home address.
6. There shall be no mechanical equipment used other than for purely domestic or hobby purposes.

B. Appearance and Physical Features.

1. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of separate entrance, colors, materials, construction, lighting, signs, or emissions of sounds, noises, and vibrations.
2. Space for the home occupation, including related storage, is limited to the lesser of 250 square feet or 25 percent of the living space.
3. The home occupation including the office area, storage of merchandise, products, or equipment shall be enclosed within the structure and shall not occupy the necessary off-street parking. Outside storage is not permitted.

C. Effects.

1. A home occupation shall not create adverse levels of noise or odors above the typical levels in the surrounding neighborhood.
2. The home occupation shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential area.

D. Prohibited Home Occupations. The following home occupations are prohibited in the County:

1. Beauty and barber shops;
2. Medical, dental, or chiropractic offices;
3. On-site vehicle repair, bodywork, and painting (including recreational vehicles);

4. Large appliance and machine repair; and
5. Contractor storage yard.

(Ord. 1976 § 2, 2019).

18.60.080 Housing, Additional Residential Units

- A. **Purpose.** The purpose of this section is to regulate additional residential unit(s) allowed in the R-R and all agricultural zones, where parcels are not connected to public water and sewer services and are served with wells and on-site septic systems.
- B. **Standards.** In R-R and agricultural zones where allowed, additional residential unit(s) shall be subject to all the requirements of this Zoning Code and the following standards:
1. **Requirements for the R-R Zone.**
 - a. No more than one additional residential unit shall be allowed per parcel.
 - b. The additional residence may be either a conventional or manufactured dwelling.
 - c. Conventional or manufactured dwellings shall be placed on permanent foundations.
 - d. The additional residential unit shall not exceed one story.
 - e. The additional residential unit may be attached or detached to the primary residential dwelling.
 - f. County Division of Environmental Health approval is required to determine compliance with Local Agency Management Plan (LAMP).
 2. **Requirements for Agricultural Zones.**
 - a. **Allowed Dwelling Type and Location.** Additional residential units may be conventional or manufactured dwelling.
 - b. An additional residential unit may be allowed on parcels six acres or larger. Exceptions may be made subject to the following standards:
 - (1) A maximum of one additional residential unit may be allowed on a parcel less than six acres if all of the following criteria is met:
 - (A) Approval for a well and on-site septic system is obtained from the County Division of Environmental Health;
 - (B) The parcel is not developed with an additional residential unit; and
 - (C) The property owner is the occupant of the existing or proposed permanent single-family dwelling on the same parcel.
 - (2) Additional residences may be allowed on parcels served with public water and sewer services, subject to the provisions of Chapter 18.62 (Accessory Dwelling Units).
 - c. **Unit Size.**
 - (1) The size of a detached additional residential unit shall not exceed 1,200 square feet.
 - (2) The size of an attached additional residential unit shall not exceed 30 percent of the floor area of the existing or proposed permanent single-family dwelling.

- d. **Principal Occupant Requirements for Agricultural Zones.** The principal occupants of the additional residential units shall either be:
 - (1) Bona fide farmers or qualified agricultural workers; or
 - (2) Members of the owner's immediate family, when the property owner is the occupant of a permanent single-family residence presently existing on the same parcel.
- e. **Environmental Health Approval.** The applicant shall obtain approval from the County Division of Environmental Health indicating the proposed installation of any wells and on-site septic systems complies with County regulations.
- f. **Annual Monitoring Permit.** Each additional residential unit(s) shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Department.
- g. **Deed Restriction.** The property owner shall sign and record the following documents prior to the issuance of the Building Permit:
 - (1) An affidavit provided by the Department attesting to the qualifications of the occupant; and
 - (2) A right-to-farm certificate to notify subsequent occupants of the inconveniences of farming operations and the priority to which the County places on these operations. (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.60.230 (Repealed)

Chapter 18.62

ACCESSORY DWELLING UNITS

18.62.020 Applicability

The provisions of this chapter apply to all parcels in the County that are zoned residential, excluding the M-H zone, connected to public water and sewer or will be connected as part of a project that includes a new single-family dwelling and an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU), and is currently developed or will be developed with a single-family or multi-family dwelling. For the purposes of this chapter, the MU zone shall be considered a residential zone. (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

18.62.030 Definitions

The purpose of this section is to provide definitions for the most commonly used terms in this chapter without affecting the meaning of the same terms used in other chapters of this Zoning Code.

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

1. An efficiency unit.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

Accessory Structure. A structure that is accessory and incidental to a dwelling located on the same lot.

Efficiency unit. The same meaning as defined in Section 17958.1 of the Health and Safety Code.

Living Area. The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

Local Agency. A city, county, or city and county, whether general law or chartered.

Nonconforming Zoning Condition. A physical improvement on a property that does not conform with the current zoning standards.

Objective Standards. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

Passageway. A pathway that is not unobstructed, clear to the sky, and extends from a street to one entrance of the accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU).

Proposed Dwelling. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

Public Transit. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charges set fares, run on fixed routes, and are available to the public.

Tandem Parking. Parking where two or more vehicles are parking on a driveway or in any other location on a lot, lined up behind one another. (Ord. 1990 § 1, 2020).

18.62.040 General

Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU) shall comply with the requirements of this chapter and the Building Code. An ADU or JADU that conforms to the standards of this chapter shall:

- A. Be deemed to be an accessory use or accessory building;
- B. Be deemed a residential use that is consistent with the existing General Plan or zoning designation for the parcel;
- C. Not be considered in the application of any local ordinance, policy, or program to limit residential growth;
- D. Not be considered to exceed the allowable density for the parcel upon which the ADU or JADU is located;
- E. Not be required to provide fire sprinklers if they are not required for the primary residence;
- F. Not be required to provide a passageway;
- G. Not be considered to be a new residential use for calculating connection fees or capacity charges for utilities, including water and sewer services, unless the ADU or JADU was constructed with a new single-family dwelling; and
- H. Not be required, as a condition for ministerial approval, to correct nonconforming zoning conditions. (Ord. 1990 § 1, 2020).

18.62.050 Application Filing, Processing, and Review

- A. **Ministerial Review.** A permit application for an accessory dwelling unit (ADU) or junior accessory dwelling (JADU) may be allowed with ministerial review, approval, and issuance of a Zoning Clearance.
- B. **Processing Time.** If there is an existing single-family or multi-family dwelling on the parcel, the County shall act on the application to create an ADU or a JADU within 60 days from the date a complete application is received, unless either:
 1. The applicant requests a delay, in which case the 60-day time period shall be tolled for the period of the delay; or
 2. The construction of a single-family dwelling is proposed at the same time as a construction of an ADU or a parcel, in which case, the County shall not approve the permit for the ADU prior to the permit for the single-family dwelling and shall not issue the Certificate of Occupancy for the ADU prior to the Certificate of Occupancy for the single-family dwelling.
- C. **Impact Fees.**
 1. A local agency, special district, or water corporation shall not impose any impact fee upon the development of an ADU that is less than 750 square feet.
 - a. For an ADU that is larger than 750 square feet, any impact fee shall be charged proportionately in relation to the square footage of the primary residence.
 2. A JADU shall not be considered a separate or new dwelling for the purposes of providing service for water, sewer, and/or power. (Ord. 1990 § 1, 2020).

18.62.060 Types of Accessory Dwelling Units

An accessory dwelling unit (ADU) approved under this chapter may take any one of the following forms:

- A. **Attached.** An ADU may be a new habitable space attached to an existing or proposed single-family or multi-family dwelling.
- B. **Detached.** An ADU may be a new detached habitable structure located on the same parcel as an existing or proposed single-family or multi-family dwelling.
- C. **Converted.** An ADU may be located within areas converted to habitable space that complies with the California Building Code for a dwelling, such as:
 - 1. An area within an existing single-family dwelling (e.g., an attached garage); or
 - 2. An existing accessory structure (e.g., a detached garage or pool house) located on the same parcel as the single-family dwelling.
 - 3. Portions of existing multi-family structures that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.
- D. **Junior Accessory Dwelling Unit (JADU).** A JADU is a dwelling, contained entirely within an existing or proposed single-family dwelling, that is a maximum of 500 square feet in size. A JADU may include separate facilities or may share sanitation facilities with the existing single-family dwelling. JADUs shall comply with Section 18.62.060 (Specific Standards for JADUs). (Ord. 1990 § 1, 2020).

18.62.070 The Type and Number of Accessory Dwelling Units Permitted Per Parcel

For parcels meeting the requirements of Section 18.62.020 (Applicability), the following type and number of accessory dwelling units (ADUs) may be allowed:

- A. **Parcels with a Single-Family Dwelling.**
 - 1. The following ADU shall be allowed per parcel with an existing or proposed single-family dwelling:
 - a. One junior accessory dwelling unit (JADU); and
 - b. One attached ADU; or
 - c. One converted ADU; or
 - d. One detached ADU.
- B. **Parcels with Multi-Family Dwelling(s).**
 - 1. **Converted ADUs.** The number of converted ADUs, on a parcel with an existing multi-family dwelling, shall not exceed 25 percent of the total number of dwelling units.
 - 2. **Detached ADUs.** Not more than two detached ADUs may be located on a parcel that contains an existing multi-family dwelling. (Ord. 1990 § 1, 2020).

18.62.080 Standards for All Accessory Dwelling Units

- A. All General Plan, community plan, or zoning requirements shall be met, except as modified in this section:
 - 1. **Height.**

- a. A detached ADU created on a parcel with an existing or proposed single-family or multi-family dwelling may not exceed 16 feet in height.
 - b. A detached ADU created on a parcel with an existing or proposed single-family or multi-family dwelling that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, may be up to 18 feet in height; and the height may be an additional two feet (20 feet maximum) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 - c. A detached ADU created on a parcel with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed 18 feet in height.
 - d. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height of the existing primary dwelling, whichever is lower.
2. **Floor Area.**
- a. The total floor area of a new construction detached ADU shall not exceed 1,200 square feet.
 - b. If there is an existing single-family dwelling on the parcel, the total floor area of an attached or converted ADU shall not exceed 50 percent of the living area of the existing single-family dwelling on a parcel or 1,200 square feet, whichever is less.
 - c. The total floor area of a JADU shall not exceed 500 square feet.
3. **Setbacks.**
- a. When an existing detached accessory structure is converted to a detached ADU, no additional setbacks shall be required.
 - b. When an ADU is constructed above a detached garage, a four-foot side and four-foot rear setback is required.
 - c. No additional setbacks shall be required when a new structure containing an ADU is constructed in the same location (and to the same dimensions as the existing detached accessory structure).
 - d. Four-foot side and four-foot rear setbacks shall be required for new construction detached ADUs.
4. **Material Compatibility.** An ADU or JADU entrance shall have the same exterior finish material as the existing or proposed primary dwelling on the parcel.
5. **Roof Form.** An ADU or JADU may have the same roof form as the primary dwelling but shall not have a flat roof.
6. **Rental Term.** An ADU or JADU may be rented, provided the rental term is at least 30 consecutive days or more. Non-continuous or transient occupancy is prohibited.
7. **Separate Conveyance.** An ADU or JADU shall not be sold or otherwise conveyed separately from the principal residence, except when sold to a qualified buyer in accordance with Government Code Section 65852.26.
8. **Public Services.** An ADU or JADU may only be allowed on parcels connected to public water and sewer services.

- a. If the parcel is connected to public water, but not sewer, an ADU shall require the approval from the County Division of Environmental Health. The approval shall indicate the proposed installation of an on-site septic system to serve the ADU complies with County regulations . (Ord. 1990 § 1, 2020; Ord. 1976 § 2, 2019).

Chapter 18.64

ANIMAL CONFINEMENT FACILITIES

18.64.030 Land Area and Zoning

- A. Animal confinement facilities, retention ponds and settling basins are permitted on certain land parcels and in certain specified zones as listed in Table 2-1 (Agricultural Zone Allowed Uses and Permit Requirements) in Article 2 of this Code.
- B. **Applicability.** The raising or keeping of animals as either an incidental or principal use shall comply with the requirements of this chapter, regardless of whether a land use permit is required. The following animal raising and keeping activities are separate land uses, and subject to a use permit.
1. Animal hospitals;
 2. Animal boarding facilities;
 3. Animal confinement facilities;
 4. Commercial apiaries (bees);
 5. Horse boarding and training facilities;
 6. Kennels;
 7. Pet stores; and
 8. Veterinary clinics.
- C. **Limitation on Uses.** The raising and keeping of specific types of animals shall be allowed in the following zones (See Table 4-3):

Table 4-3
Zones and Allowed Animal Raising Activities

Allowed	A
Not Permitted	-

Animal Raising Activity	Zones											Additional Regulations
	A1 A-1-40 A-2	R-R	R-1 R-1500	M-H	R-2 R-3 R-4	C-P	C-1 C-2 C-3	H-I-C	M-1 M-2	SPZ	PD	
Bee Raising (apiaries)	A	-	-	-	-	-	-	-	-	-	-	
Birds (aviaries)	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Cattle	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Stables (boarding and training)	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Fowl and Poultry	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Goats and Sheep	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Hogs and Swine	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Horses	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Household Pets	A	A	A	A	A	A	A	A	A	A	A	18.64.030(D)
Llama, Ostriches, and Other Exotics	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Other Small Animals	A	A	-	-	-	-	-	-	-	-	-	18.64.030(D)
Fish Farms	A	-	-	-	-	-	-	-	-	-	-	

D. Additional Regulations.

1. **R-R Zone.** Up to two large animals (e.g., horses, cows, ostriches, and swine) or up to five birds, other than household pets, are permitted per acre parcel. More require Director approval. No commercial operations are allowed.
2. **R-1 Zone.** Agricultural uses permitted in the R-R zone may be allowed in the R-1 and R-1-5000 zones only until surrounding parcels are subdivided with the smaller lots normally found in these zones and homes are being built on them. The Director may also permit FFA, 4-H, and other educational projects in the R-1 and R-1-5000 zones, subject to certain standards.
3. **SPZ Zone.** Animals in SPZ zones are covered by the standards in each SPZ zone.
4. **Fowl and Poultry.** Up to two roosters are permitted. More shall be subject to the animal confinement facilities requirements. An exception may be made by the planning director for FFA, 4-H, and other educational poultry projects.
5. **Llamas, Ostriches, and Other Exotics.** Wild animals may require State and/or Federal permits.

E. **Operation and Maintenance.** Requirements and standards for odor and insect control shall be as required by the Division of Environmental Health.

F. **Specific Types and Numbers of Animals Permitted.** Requirements and standards for the keeping or raising of specific types of animals shall be as required by the Division of Environmental Health. (Ord. 1976 § 2, 2019).

Article 8: Definitions

Chapter 18.200

DEFINITIONS

18.200.080 “H” Definitions

Hazardous Materials. Materials that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Heavy Equipment Repair. Repair of commercial vehicles, tractors, and other types of heavy motorized equipment. Does not include vehicle dismantling or salvage or tire retreading or recapping.

Height of Structure. The vertical distance measured from the average finished grade, nearest the structure, to the highest point of the structure, exclusive of the miscellaneous structures specified in Section 18.30.030(C)(2) (Height Measurement and Exceptions).

Helipads. Landing and takeoff areas used, designed, or intended to be used by helicopters for the receiving or discharging of passengers and cargo that does not include any ancillary facilities for passengers, cargo, or the storage and repair or servicing of the helicopters.

Heliports. Landing and takeoff areas used, designed, or intended to be used by helicopters for the receiving or discharging of passengers and cargo and may include ancillary facilities for passengers, cargo, or the storage and repair or servicing of helicopters.

Home Occupation. An accessory use of a dwelling unit conducted entirely within the dwelling unit, and where the use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character or adversely affect the uses allowed in the residential zone of which it is a part. See Section 18.60.070 (Home Occupations).

Hospitals. Facilities providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (e.g., cafeteria, gift/flower shop, waiting rooms).

Hotels/Motels. Facilities with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days, excluding hourly lodging. Hotels generally provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging (e.g., meeting facilities, personal services, restaurants). Motels generally provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities (e.g., accessory retail uses, indoor athletic facilities, swimming pools, tennis courts, etc.).

Hunting Clubs. Facilities that provide opportunities to hunt wildlife and are typically operated by a membership organization. (Ord. 1976 § 2, 2019).

18.200.200 “T” Definitions

Television Antennas. See “Antenna.”

Temporary Events. See “Event, Temporary.”

Temporary Use Permit. An administrative permit authorizing specific limited term uses in compliance with conditions and performance criteria specified in Chapter 18.124 (Temporary Use Permits).

Temporary Uses. Uses established for a specified period of time, typically less than 12 months, with the intent to discontinue the use at the end of the designated time period.

Textile and Leather Products. See “Industry.”

Theaters and Auditoriums. See “Commercial Recreation and Entertainment.”

Tire Manufacturing, Rebuilding, Capping, Tread. See “Industry.”

Train Stations. See “Bus or Train Station.”

Transitional Housing. Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses allowed in any residential zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Transportation and Equipment Yard. An outdoor storage facility that stores large equipment and machinery, including agricultural, farm and building equipment, but not including passenger vehicles. May include ancillary office and maintenance facilities.

Truck Parking. See “Vehicle Storage, Commercial.”

Truck Repair and Services. See “Vehicle Repair and Maintenance, Major Motor.”

Truck Scales. Large scales permanently mounted on a foundation and available for public use to weigh cars and trucks. Also known as weigh stations.

Truck Stops. Commercial establishments intended primarily for trucks that typically provide fuel, food service, showers, and other comfort facilities for truck drivers. May include short-term truck storage.

Truck Terminals. Facilities for loading and/or unloading of fuel, food products, materials or freight merchandise and may include related fueling facilities, traffic routing offices, temporary truck storage areas, wash racks, maintenance, and other ancillary facilities. (Ord. 1976 § 2, 2019).

18.200.220 “V” Definitions

Variance. An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with Chapter 18.126 (Variances and Minor Deviations).

Vehicle.

1. **Vehicle, Passenger.** A motor vehicle, other than a motortruck, truck tractor, or a bus, as defined in Section 233, and used or maintained for the transportation of persons, as defined by Section 465 of the California Vehicle Code.
2. **Vehicle, Commercial.** A motor vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property, as defined by Section 260 of the California Vehicle Code.

Vehicle Impound Yards. Holding or storage places for motor vehicles until they are placed back in control of the owner, recycled for their metal, stripped of their parts at a wrecking yard, or auctioned off for the benefit of the impounding agency.

Vehicle, Inoperable. Any private or commercial vehicle or water vessel that is not currently registered and/or is not operable and clearly cannot be readily made operable because of damage, missing parts or any other condition that precludes its use. Vehicles shall only be considered operable if they are in a condition to be currently registered and capable of being driven on a public roadway.

Vehicle Parts Sales. See "Retail Sales."

Vehicle Rentals.

1. **Vehicle Rental, General.** Commercial establishment that rents automobiles, construction equipment, motorcycles, recreational vehicles, trucks, trailers, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts, and only when conducted within a fully enclosed structure.
2. **Vehicle Rental, Limited.** Commercial establishment that rents small vehicles (e.g., mopeds, scooters, Segways), and similar sized vehicles with electric power or engines less than 100cc. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent, and only when conducted within fully enclosed structure.
3. **Vehicle Rental, Office Only.** Office activities offering the rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles. Does not include the on-site storage of or incidental maintenance of these vehicles.

Vehicle Repair and Maintenance. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

1. **Vehicle Repair, Major Motor.** Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light duty trucks (i.e., gross vehicle weight of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops; paint shops; tire sales and installation shops; towing services; transmission shops; and tire recapping. Does not include vehicle dismantling.
2. **Vehicle Repair, Minor Motor.** Minor repair of golf carts, automobiles, motorcycles, recreational vehicles, or light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; installation of electronic equipment (e.g., alarms, stereos); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments; relining and repairs; oil and lube shops; smog shops, tire and battery sales and installation (not including recapping); and wheel alignment and balancing. Does not include any type of car washing service.

Vehicle Sales.

1. **Vehicle Sales, General.** Sale of automobiles, construction equipment, motorcycles, recreational vehicles, light duty trucks, and similar vehicles and equipment, including display, storage, maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation,

and servicing of related equipment and parts. All maintenance and repair activities shall be conducted within a fully enclosed structure.

2. **Vehicle Sales, Wholesale.** Sales limited to an office only, offering the sale of automobiles and light duty trucks. Does not include on-site inventory, display, storage, maintenance, or repair of these vehicles. May be subject to parking requirements of the Department of Motor Vehicles.

Vehicle Service Station. A commercial facility that sells gasoline or diesel, or alternative fuel (i.e., hydrogen fuel, ethanol, natural gas, propane, or other alternative fuel) for the on-site fueling of primarily passenger vehicles. May include incidental “minor” maintenance and repair (i.e., battery charging and tire changing and repair) of vehicles and light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). May also include a convenience store operated by the service station owner.

Vehicle Storage. A commercial facility that provides short-term and long-term storage and/or parking of vehicles (e.g., automobiles, motorcycles, recreational vehicles, trucks). Does not include Commercial Vehicle Storage.

Vehicle Storage, Commercial. A commercial facility that provides short-term and long-term storage parking of commercial vehicles and/or vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

Vernal Pool. A shallow depression that fills with water during the winter and dries by evaporation in the spring and is a habitat for unique plant and animal species.

Vineyard. See “Crop, Orchard, Vineyard.”

Vocational Schools. See “Business Colleges or Vocational Schools.”(Ord. 1976 § 2, 2019).