

ARTICLE 1: ENACTMENT AND APPLICABILITY

Contents:

- Chapter 18.02 – Purpose and Applicability of Zoning Code
- Chapter 18.04 – Interpretation of the Zoning Code Provisions
- Chapter 18.06 – Zones and Zoning Map

Chapter 18.02 – Purpose and Applicability of Zoning Code

Contents:

- 18.02.010 – Title
- 18.02.020 – Purpose and Authority
- 18.02.030 – Applicability of Zoning Code
- 18.02.040 – Relationship to Prior Ordinances
- 18.02.050 – Relationship to General Plan and Community Plans
- 18.02.060 – Prior Rights and Violations
- 18.02.070 – Effect of Zoning Code Amendments on Projects in Progress
- 18.02.080 – Severability, Partial Invalidation of Zoning Code

18.02.010 – Title

This Title, containing the County’s zoning regulations, shall be known as the "Merced County Zoning Code" and referred to as this "Zoning Code."

18.02.020 – Purpose and Authority

- A. **Purpose.** This Zoning Code is intended to carry out the policies of the Merced County General Plan. More specifically, the purpose of this Code is as follows:
 - 1. To guide and regulate the future growth and development in Merced County;
 - 2. To protect the character and social and economic stability of residential, commercial, mixed use, industrial, and other private and public areas within the County, and to ensure the orderly and beneficial development of these areas;
 - 3. To prevent danger to public safety resulting from the locating of structures, and their use, and the use of land, adjacent to streets and highways which are a part of the Circulation Element of the General Plan, or which are important thoroughfares, in a manner which prevents interference with existing or prospective traffic movements on the County’s streets and highways;
 - 4. To ensure long-term preservation and conservation of land used for productive agriculture, potentially agricultural land, and agricultural-support facilities;
 - 5. To provide adequate air, sun light, privacy, and convenience of access to property, and to ensure safety from fire, inundation, and other dangers; and
 - 6. To prevent overcrowding and congestion on the land.
- B. **Intent.** It is the intent of this Zoning Code to promote the orderly development of the County; promote and protect the public health, safety, comfort, convenience, morals, peace, and general welfare; protect the character, social diversity, and economic vitality of neighborhoods; and to ensure the beneficial development of the County.
- C. **Authority.** This Zoning Code is enacted based on the authority vested in Merced County and the State of California, including but not limited to the State Constitution, Planning and

Zoning Law (California Government Code Section 65000 et seq.), Subdivision Map Act (California Government Code Section 66410 et seq.), California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), the California Health and Safety Code, the County Charter, and the County Code.

18.02.030 – Applicability of Zoning Code

This Zoning Code applies to all uses of land and structures, subdivisions, and development, regardless of ownership, within the unincorporated area of the County.

- A. **Compliance Required.** No structure shall be altered, erected, or reconstructed in any manner, nor shall any structure or land be used for any purpose, other than as allowed by this Zoning Code, except that County shall be exempt from the provisions of this Zoning Code when the Director makes any of the following findings. However, the County shall make every reasonable effort to comply with these provisions to the maximum extent possible.
1. Reasonable attempts have been made to comply with the regulations contained in this Zoning Code;
 2. The strict and literal interpretation and enforcement of this Zoning Code would inhibit the Planning Agency's ability to maintain public health, safety, and general welfare; or
 3. The granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.
- B. **Subdivisions.** A subdivision of land proposed within the County after the effective date of the ordinance adopting this Zoning Code shall comply with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Development Standards), other applicable requirements of this Zoning Code, and County Code Title 17 (Subdivisions).
- C. **Continuation of an Existing Land Use.** An existing land use is lawful and not in violation of this Zoning Code only when operated and maintained in compliance with applicable provisions of this Zoning Code and any condition(s) imposed on a discretionary application, including Article 5 (Nonconformities). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date of the ordinance adopting this Zoning Code or any applicable amendment, except as otherwise provided by Article 5 (Nonconformities).
- D. **Minimum Requirements.** The provisions of this Zoning Code shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a Review Authority, the discretion may be exercised to impose more stringent requirements than required by this Zoning Code, as determined by the applicable Review Authority to be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Zoning Code.
- E. **Conflicting Requirements.** Conflicts between different requirements of this Zoning Code, or between this Zoning Code and other regulations, shall be resolved in compliance with Section 18.04.020 (Rules of Interpretation).
- F. **Other Requirements May Apply.** Nothing in this Zoning Code eliminates the need for obtaining other permits required by the County, or a permit approval, or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The County shall not issue any permit, Business License, or other approval if the structure or land use would violate the provisions of this Zoning Code. Permits issued in error shall be void.

18.02.040 – Relationship to Prior Ordinances

The provisions of this Zoning Code, as it existed before the effective date of Ordinance No. ***(Insert Ordinance number to adopt this update)***, are repealed and superseded as provided in the ordinance enacting this Title. No provision of this Zoning Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the County's Zoning Code as they existed before repeal by the ordinance enacting this Zoning Code, except as addressed by nonconformities created by this Zoning Code, in compliance with Article 5 (Nonconformities).

18.02.050 – Relationship to General Plan and Community Plans

- A. **Zoning Code is the Primary Tool.** This Zoning Code is the primary tool used by the County to implement the goals, policies, and actions of the General Plan and any applicable community plan.
1. **General Plan.** The General Plan is a comprehensive, long-range, general policy statement for the entire community. The General Plan designates appropriate locations and densities for residential, mixed use, commercial, industrial, agricultural, public, and open space uses.
 2. **Zoning Code.** This Zoning Code is a specific statement of allowable uses of land by zone designed to control the use, type, bulk, height, space, and location of structures and land. This Zoning Code is intended to be applied to the County based on land use designations established in the General Plan.
- B. **Consistency with the General Plan.** The Board intends that this Zoning Code be consistent with the General Plan and any applicable community plan, and that any development, land use, or subdivision approved in compliance with this Zoning Code shall also be consistent with the General Plan and any applicable community plan. A proposed use is considered to be compatible, conforming, and consistent with the General Plan, and any applicable community plan, when all of the following conditions exist:
1. **Compatible.** The proposed use is compatible with the description of the Land Use Plan designation in which the use is located, as shown by the Land Use Plan Map, and as described in the text of the General Plan and any applicable community plan;
 2. **Conformance.** The proposed use is in conformance with the actions, goals, policies, programs, and maps, and the intent of the General Plan and any applicable community plan; and
 3. **Consistent.** The proposed use is to be established and maintained in a manner which is consistent with all elements of the General Plan and any applicable community plan and all applicable provisions contained in these plans.
- C. **Where Inconsistencies Exist.** Where inconsistencies do exist between the General Plan and this Zoning Code, the Zoning Code shall control the use and development of the land until the Board adopts an amendment to achieve consistency with the existing or current General Plan.

18.02.060 – Prior Rights and Violations

The enactment of this Zoning Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this Zoning Code.

18.02.070 – Effect of Zoning Code Amendments on Projects in Progress

The enactment of this Zoning Code, or an amendment to this Zoning Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Zoning Code or a future amendment could require more off-street parking spaces for a particular land use than the former regulations.) The following provisions determine how the requirements of this Zoning Code will apply to a development project that is in progress at the time this Zoning Code or an amendment goes into effect.

- A. **Application Complete.** A planning permit application (Article 6: Permit Processing Procedures), which has been accepted by the Department as complete before the effective date of this Zoning Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.
- B. **Project Under Construction.** A project for which a Building Permit has been issued under the provisions of earlier ordinances of the County which are in conflict with this Zoning Code, and on which substantial construction, as determined by the Director, has been performed by integration of materials on the site before the effective date of this Zoning Code, nevertheless may be continued and completed in compliance with the plans and specifications upon which the permit was issued.
- C. **Subdivision Maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Title 17 (Subdivisions).

18.02.080 – Severability, Partial Invalidation of Zoning Code

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Zoning Code. The Board hereby declares that this Zoning Code and each article, chapter, section, subsection, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional, or unenforceable.

Chapter 18.04 – Interpretation of the Zoning Code Provisions

Contents:

- 18.04.010 – Purpose**
- 18.04.020 – Rules of Interpretation**
- 18.04.030 – Procedures for Interpretation**
- 18.04.040 – Uses Not Classified**
- 18.04.050 – Headings and Illustrations**

18.04.010 – Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code, and to ensure its consistent interpretation and application.

18.04.020 – Rules of Interpretation

- A. **Authority.** The Director has the authority to interpret the provisions of this Zoning Code in compliance with Section [18.04.030](#) (Procedures for Interpretation), below. Whenever the Director determines that the meaning or applicability of a Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation. The Director may also refer any issue of interpretation to the Commission for a determination. A decision of the Director may be appealed to the Commission in compliance with Chapter [18.144](#) (Appeals).

- B. **Terminology.** When used in this Zoning Code, the following rules apply to all provisions of this Zoning Code:
1. **Language.** When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicate otherwise.
 4. **Calculations.**
 - a. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.
 - b. **Other Calculations.** For all calculations other than residential density, the fractional/decimal results of calculations exceeding .500 shall be rounded to the next highest whole number, unless otherwise specified.
 5. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to".
 6. **Local Reference.** "County" as used in this Zoning Code means Merced County and all public officials, bodies, and agencies referenced in this Code are those of the County, unless otherwise stated.
 7. **Definitions.** All terms used in this Zoning Code shall be as defined in Article 8 (Definitions) and/or as determined/interpreted by the Director.
- C. **Number of Days.** Whenever the number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or County holiday, time limits shall extend to the end of the next working day.
- D. **State Law Requirements.** Where this Zoning Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.
- E. **Minimum Requirements.** When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

18.04.030 – Procedures for Interpretation

- A. **Authority of Director to Interpret; Referral to Commission.** Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.
- B. **Request for Interpretation.** Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with the request the specific provisions in question and any other information necessary to assist the Director in the review.

- C. **Record of Interpretations/Determinations.** All interpretations and determinations by the Director and Commission shall be made in writing, and a permanent record of the interpretations and determinations shall be kept.
- D. **Appeals.** Any interpretation or determination of this Zoning Code by the Director or Commission may be appealed in compliance with Chapter 18.144 (Appeals).

18.04.040 – Uses Not Classified

- A. **Use Not Listed is Not Allowed.** If a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided in Subsection B., below.
- B. **Director’s Determination.** Based on the authority granted in 18.04.030 (Procedures for Interpretation), above, the Director may determine that a proposed land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Director shall first make all of the following findings:
 - 1. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, dust, emissions, noise, odor, parking, traffic generation, or similar impacts than the uses listed in the zone;
 - 2. The proposed use will meet the purpose/intent of the zone that is applied to the location of the use;
 - 3. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable community plan; and
 - 4. The proposed use is not listed as allowable in any other zone.
- C. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what standards and requirements of this Zoning Code apply.

18.04.050 – Headings and Illustrations

- A. **Headings.** The headings of the articles, chapters, sections, subsections, subparagraphs, and clauses of this Zoning Code, together with the accompanying illustrations, examples, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Zoning Code or its provisions.
- B. **Illustrations.** In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in this Code, the text shall control.

Chapter 18.06 – Zones and Zoning Map

Contents:

18.06.010 – Purpose

18.06.020 – Establishment of Zones

18.06.030 – Zoning Map

18.06.040 – Rights-of-way and Vacated Boundary Lines

18.06.050 – Uncertainty of Boundaries

18.06.010 – Purpose

This Chapter establishes the zones applied to property located within the County and adopts the County’s Official Zoning Map.

18.06.020 – Establishment of Zones

- A. **General.** The County is divided into zones to allow for the orderly, planned development of the County and to implement the General Plan. Table 1-1 (Zones Implementing the General Plan), below identifies all of the zones adopted by the County. All zones shall be listed and appropriately designated on the County's Official Zoning Map.
- B. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development regulations for that particular type and intensity of land use.

Table 1-1 ZONES IMPLEMENTING THE GENERAL PLAN				
Zoning Map Symbol	Zone Name	Allowable Density or Intensity	Corresponding General Plan Land Use Designations	General Plan Symbol
Agriculture Zones				
A-1	General Agriculture	0 - 0.025 DU/AC	Agriculture	A
		0 - 0.33 DU/AC	Agriculture Residential	AR
		N/A	Urban Reserve	UR
A-1-40	General Agriculture	0 - 0.025 DU/AC	Agriculture	A
		0 - 0.33 DU/AC	Agriculture Residential	AR
		N/A	Urban Reserve	UR
A-2	Exclusive Agriculture	0 - 0.025 DU/AC	Agriculture	A
		0 - 0.33 DU/AC	Agriculture Residential	AR
		N/A	Urban Reserve	UR
Residential Zones				
R-R	Rural Residential	0 - 0.33 DU/AC	Agriculture Residential	AR
		1.0 - 4.0 DU/AC	Very-Low Density Residential	VLDR
		0.10 FAR	Recreation and Open Space	RE
R-1	Single-Family Residential	1.0 - 4.0 DU/AC	Very-Low Density Residential	VLDR
		4.0-8.0 DU/AC	Low-Density Residential	LDR
		0.10 FAR	Recreation and Open Space	RE
R-2	Two-Family Residential	8.0-15.0 DU/AC	Medium-Density Residential	MDR
		0.10 FAR	Recreation and Open Space	RE
R-3	Medium-Density Multifamily Residential	8.0-15.0 DU/AC	Medium-Density Residential	MDR
		0.10 FAR	Recreation and Open Space	RE
R-4	High-Density Multifamily Residential	15.0-33.0 DU/AC	High-Density Residential	HDR
		0.10 FAR	Recreation and Open Space	RE
M-H	Single-Family Mobile Home Residential	N/A	No Corresponding Land Use Designation	N/A
Commercial and Mixed Use Zones				
C-P	Commercial-Professional Office	0.50 FAR	Neighborhood Commercial	NC
		0.50 FAR	General Commercial	GC
		0.10 FAR	Recreation and Open Space	RE
C-1	Neighborhood Commercial	0.50 FAR	Neighborhood Commercial	NC
		0.50 FAR	General Commercial	GC
C-2	General Commercial	0.50 FAR	General Commercial	GC
C-3	Heavy Commercial	0.50 FAR	General Commercial	GC
H-I-C	Highway Interchange Center	0.10 FAR	General Commercial	GC
MU	Mixed Use	0.5 - 2.0 FAR	Neighborhood Commercial	NC
			General Commercial	GC
			High-Density Residential	HDR
Industrial Zones				
BP	Business Park	.60 FAR	Industrial	I
M-1	Light Manufacturing	1.00 FAR	Industrial	I

Table 1-1 ZONES IMPLEMENTING THE GENERAL PLAN				
Zoning Map Symbol	Zone Name	Allowable Density or Intensity	Corresponding General Plan Land Use Designations	General Plan Symbol
		0.10 FAR	Recreation and Open Space	RE
M-2	General Manufacturing	1.00 FAR	Industrial	I
Other				
SPZ	Special Planning	N/A	No Corresponding Land Use Designation	N/A
PD	Planned Development	1.0 - 4.0 DU/AC	Very-Low Density Residential	VLDR
		4.0-8.0 DU/AC	Low-Density Residential	LDR
		8.0-15.0 DU/AC	Medium-Density Residential	MDR
		15.0-33.0 DU/AC	High-Density Residential	HDR
		0.50 FAR	Neighborhood Commercial	NC
		0.50 FAR	General Commercial	GC
		1.00 FAR	Industrial	I
		N/A	Urban Reserve	UR
		0.10 FAR	Recreation and Open Space	RE

18.06.030 – 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, height 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.

18.06.040 – Rights-of-way and Vacated Boundary Lines

Where a public street or alley is officially abandoned or vacated, the property encompassed by areas associated with the abandoned/vacated street or alley shall be included within the zone or zones of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event the street, alley, or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the abandonment or vacation.

18.06.050 – Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the Official Zoning Map, the Director shall determine the precise location of the boundary in the following manner, except as provided in Section 18.06.040 (Rights-of-way and Vacated Boundary Lines), above:

- A. **Line Shall be the Zone Boundary.** Where a zone or area boundary approximately follows a parcel line, street line, or alley line, the parcel line, street centerline, or alley centerline shall be construed as the zone boundary.
- B. **Use of Scale.** Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map.