

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, October 9, 2019

Vice Chairperson HARRIS called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Robert Dylina, Sam Rashe, and Vice Chairperson Michael Harris

Commissioners Absent: None (Two Vacancies)

Staff Present: Planning Manager Espinosa, Associate Planner Mendoza-Gonzalez, Deputy City Attorney Campbell, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S DYLINA-RASHE, and carried by unanimous voice vote (two vacancies), to approve the Agenda as submitted.

2. **MINUTES**

M/S CAMPER-DYLINA, and carried by unanimous voice vote (two vacancies), to approve the Minutes of September 18, 2019, as submitted.

3. **COMMUNICATIONS**

None

4. **ITEMS**

4.1 Conditional Use Permit #1233, initiated by Gelt Holdings, Inc., on behalf of Shemoil Moradzadeh, property owner. This

application involves a request to allow for the delivery and sale of beer and wine for on-site consumption within a restaurant (Pizza Hut) located at 580 W. Olive Avenue. The subject site is generally located on the south side of Olive Avenue, approximately 200 feet east of M Street, within Planned Development (P-D) #4, with a Neighborhood Commercial (CN) General Plan designation.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #19-23.

There was no one present wishing to speak regarding this project; therefore, public testimony was opened and closed at 7:14 p.m.

M/S DYLYNA-RASHE, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-22, and approve Conditional Use Permit #1233, subject to the Findings and twenty-one (21) Conditions set forth in Staff Report #19-23, as follows (RESOLUTION #4027):

AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice Chairperson Harris

NOES: None

ABSENT: None (two vacancies)

ABSTAIN: None

4.2 Conditional Use Permit #1234, initiated by Silvia Magallon on behalf of TD REO Fund, LLC, property owner. This application involves a request to operate a food truck within the 76/Circle K parking lot, generally located at the northeast corner of G Street and 21st Street (2104 G Street), within a Neighborhood Commercial (C-N) Zone.

Associate Planner MENDOZA-GONZALEZ reviewed the report on this item. For further information, refer to Staff Report #19-24.

Public testimony was opened at 7:25 p.m.

Speaker from the Audience in Opposition:

E.J. ALMO LORENZI, Sherwin-Williams Managing Partner, Merced

No one spoke in favor of the project.

Public testimony was completed at 7:31 p.m.

M/S BUTTICCI-RASHE, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #19-23, and approve Conditional Use Permit #1234, subject to the Findings and twenty-seven (27) Conditions set forth in Staff Report #19-24, as follows (RESOLUTION #4028):

AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice Chairperson Harris

NOES: None

ABSENT: None (two vacancies)

ABSTAIN: None

4.3 Sign/Zoning Ordinance Amendment #19-04, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Chapter 20.62 “Signs” of the Merced Municipal Code) and Sign Ordinance (Chapter 17.36 “Signs” of the Merced Municipal Code), including Article I—Definitions, Article II—General Regulations, Article III—Regulations for North Merced, and Article IV—Regulations for Downtown. This amendment would involve various additions and modifications to the City’s requirements for signs.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #19-25- Addendum.

There was no one present wishing to speak regarding this project; therefore, public testimony was opened and closed at 7:57 p.m.

M/S DYLINA-CAMPER, and carried by the following vote, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #19-21, and to recommend approval

to the City Council of Sign/Zoning Ordinance Amendment #19-04, subject to the Findings set forth in Staff Report #19-25 - Addendum (RESOLUTION #4029):

AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice Chairperson Harris

NOES: None

ABSENT: None (two vacancies)

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA introduced the newly appointed Commissioner BUTTICCI to the Planning Commission and discussed the remaining two vacancies.

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. **ADJOURNMENT**

There being no further business, Vice Chairperson HARRIS adjourned the meeting at 8:04 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:



MICHAEL HARRIS, Vice Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4027

WHEREAS, the Merced City Planning Commission at its regular meeting of October 9, 2019, held a public hearing and considered **Conditional Use Permit #1233**, initiated by Gelt Holdings, Inc., on behalf of Shemoil Moradzadeh, property owner. This application involves request to allow for the delivery and sale of beer and wine for on-site consumption within a restaurant (Pizza Hut) located at 580 W. Olive Avenue. The subject site is generally located on the south side of Olive Avenue, approximately 200 feet east of M Street, within Planned Development (P-D) #4, with a Neighborhood Commercial (CN) General Plan designation; also known as Assessor's Parcel Number (APN) 007-250-022; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through E of Staff Report #19-23; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #19-22, and approve Conditional Use Permit #1233, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner DYLINA, seconded by Commissioner RASHE, and carried by the following vote:

AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice Chairperson Harris

NOES: None

ABSENT: None (2 vacancies)

ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4027

Page 2

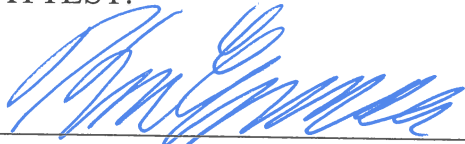
October 9, 2019

Adopted this 9th day of October 2019.



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #4027
Conditional Use Permit #1233

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (floor plan) - Attachment B of Staff Report #19-23.
2. All conditions contained in Resolution #1249 (“Standard Conditional Use Permit Conditions”) shall apply.
3. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws

and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

6. Alcoholic beverages service in the outdoor patio area is being approved with this permit.
7. Signs shall be posted on the fence stating “No Alcohol Allowed Outside This Area.” The signs shall be a maximum of 1 square foot and shall be posted on each side of the outdoor patio area in an area visible to customers.
8. No temporary signs shall be attached to the metal fence. All temporary signs shall be approved and a “Temporary Sign Permit” shall be obtained prior to installation.
9. An employee shall monitor the outdoor patio area at all times when alcohol is being served.
10. Exterior doors shall not be propped open during business operations. If sufficient complaints are received regarding noise from music or other activities, the restaurant shall provide a means for suppressing the noise coming from the building. The means and method used to suppress noise shall be approved by the Building Department prior to installation.
11. Any music played over outdoor speakers in the patio area shall be kept to a minimum so as not to travel outside the immediate area around the restaurant.
12. Sufficient lighting shall be provided throughout the outdoor patio area. A lighting plan shall be included with the building permit application for the patio.
13. Receptacles for the disposal of smoldering remnants and discarded debris associated with smoking tobacco products (such as ashes and cigarette butts) shall be made available in the patio. The receptacles shall be included in the plans for the patio.
14. Any outdoor heating units shall need to be listed and approved by the Fire Department.
15. The restaurant shall meet all applicable Merced County Health Department requirements.
16. The restaurant shall meet all applicable Alcoholic Beverage Control requirements.

17. This approval is for alcohol sales as an ancillary use to the primary restaurant only.
18. Alcohol deliveries shall comply with all relevant regulations required by the Department of Alcoholic Beverage Control, and the Merced County Environmental Health Department.
19. Any request to operate as a nightclub, bar, or similar use shall require an additional review and approval from the Planning Commission (as required in the Zoning Ordinance).
20. The City reserves the right to periodically review the area for potential problems. Should excessive calls for service or violation of these conditions of approval occur, the City may consider revocation of the Conditional Use Permit (CUP) after a public hearing and following the procedures spelled out in the Merced Municipal Code.
21. The applicant shall work with the City's Refuse Department to determine if a recycling container would be required and if additional bins or an increase in frequency of refuse service is required to accommodate this use.

n:shared:planning:PC Resolutions: CUP #1232 Exhibit A

CITY OF MERCED
Planning Commission

Resolution #4028

WHEREAS, the Merced City Planning Commission at its regular meeting of October 9, 2019, held a public hearing and considered **Conditional Use Permit #1234**, initiated by Silvia Magallon on behalf of TD REO Fund, LLC, property owner. This application involves a request to operate a food truck within the 76/Circle K parking lot, generally located at the northeast corner of G Street and 21st Street (2104 G Street), within a Neighborhood Commercial (C-N) Zone; also known as Assessor's Parcel Number (APN) 034-071-014; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through I of Staff Report #19-24; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #19-23, and approve Conditional Use Permit #1234, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner BUTTICCI, seconded by Commissioner RASHE, and carried by the following vote:

AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice Chairperson Harris

NOES: None

ABSENT: None (two vacancies)

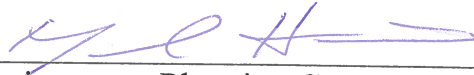
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4028

Page 2

October 9, 2019

Adopted this 9th day of October 2019.



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

Conditions of Approval
Planning Commission Resolution #4028
Conditional Use Permit #1234

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (photos) - Attachments B and C of Staff Report #19-24, except as modified by the conditions.
2. All conditions contained in Resolution #1249-Amended (“Standard Conditional Use Permit Conditions”—except for Condition #16 which has been superseded by Code) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant’s project is subject to that other governmental entity’s approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any

agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The applicant shall comply with all City of Merced business licensing requirements and with all requirements of the Merced County Environmental Health Department.
8. No outdoor tables or chairs shall be permitted on the premises, unless otherwise approved by the Planning Department in consideration of all relevant parking and vehicle circulation areas on this site.
9. At least two tamperproof trash receptacles shall be provided while food is being served. The site and the immediate surrounding area shall be maintained free of all debris and trash generated from this use.
10. All signing shall be contained on the food truck. No A-frame signs, banners, inflatable signs, feather signs, pennant signs, flags, or other moving or portable signs shall be permitted for this use anywhere on or off the site.
11. The hours of operation shall be any span of time between 7:00 a.m. and 9:00 p.m. and the business may be open 7 days a week. However, if the business is open after dark, lights shall be provided on the vehicle or on the property that are sufficient to light the vehicle and at least a 50-foot radius around the vehicle. If lights are not provided, the food truck shall close at sundown.
12. If the business owners wish to extend the business hours in the future, they must obtain approval from the Development Services Director and the Police Chief, or if deemed necessary by the Development Services Director, be referred back to the Planning Commission for action.
13. Disposal of waste products shall be limited to a Merced County Environmental Health Department approved commissary or alternative approved facility.
14. The applicant shall comply with the Water Quality Control Division's (WQCD) Best Management Practices regarding the disposal of cooking

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4028

grease and proper cleaning of kitchen equipment, as shown on Attachment D of Staff Report #19-24, or as otherwise required by the WQCD.

15. If problems arise as a result of this business that may require excessive Police Department service calls to the site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, this approval may be subject to review and revocation by the City of Merced.
16. During hours of operation, food truck employees shall have access to a cell phone (either their own or one provided by the business owner) in case of emergencies.
17. In the future, if there are excessive calls for police assistance, the Police Chief may require the applicant to install exterior video surveillance cameras. Any video related to criminal investigations must be accessible immediately for viewing by the Merced Police Department or any other law enforcement agency. A recorded copy of surveillance video, requested in connection with a criminal investigation, must be reasonably accessible and available within 24 hours when requested by law enforcement. The business owner is responsible for maintaining the video surveillance equipment in an operable manner at all times.
18. The food truck shall be oriented perpendicular to the parking stalls to allow room for customers to gather without being in danger of collisions from vehicles entering/exiting the site. The food truck shall not block the driving aisle or access to the alley.
19. It shall be the operator's responsibility to ensure all customers park in an orderly fashion and don't block the driveway entrances or interfere with other customers visiting the site.
20. The applicant shall comply with all regulations found in Merced Municipal Code Section 20.44.020 - Food Trucks in Fixed Locations, except as modified by these conditions.
21. A minimum of 2 parking spaces on the site shall be dedicated to food truck customers. These spaces shall be located as close as possible to the food truck.
22. Food truck activities shall in no way interfere with the operation of existing businesses on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation, refuse service, and public safety.

23. The owner shall ensure that restroom facilities are available for the employees. These restrooms shall be provided in a permanent building that meets the Health Department's requirements for distance from the business operation. Portable toilets shall not be allowed.
24. The mobile food vendor is prohibited from selling alcohol.
25. "No Loitering" signs shall be posted on the food truck and convenience market at specific locations approved by the City Police Department.
26. The food truck shall maintain a minimum distance of 20 feet from all fuel pumps, or as otherwise required by Fire Department.
27. Any illegal signs and advertisements posted on the convenience market onsite shall be removed prior to the food truck obtaining a business license.

n:shared:planning:PC Resolutions: CUP #1232 Exhibit A

CITY OF MERCED
Planning Commission

Resolution #4029

WHEREAS, the Merced City Planning Commission at its regular meeting of October 9, 2019, held a public hearing and considered **Zoning Ordinance Amendment #19-04**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Chapter 20.62 “Signs” of the Merced Municipal Code) and Sign Ordinance (Chapter 17.36 “Signs” of the Merced Municipal Code), including Article I—Definitions, Article II—General Regulations, Article III—Regulations for North Merced, and Article IV—Regulations for Downtown. This amendment would involve various additions and modifications to the City’s requirements for signs; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through E of Staff Report #19-25; and,

NOW THEREFORE, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #19-21, and approval of Zoning Ordinance Amendment #19-04, as set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner DYLINA, seconded by Commissioner CAMPER, and carried by the following vote:

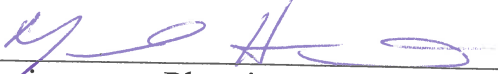
AYES: Commissioners Butticci, Camper, Dylina, Rashe, and Vice
Chairperson Harris
NOES: None
ABSENT: None (two vacancies)
ABSTAIN: None

PLANNING COMMISSION RESOLUTION # 4029

Page 2

October 9, 2019

Adopted this 9th day of October 2019



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING CHAPTER 20.62 (“SIGNS”) OF THE
MERCED MUNICIPAL CODE AND CHAPTER
17.36 (“SIGNS”) OF THE MERCED MUNICIPAL
CODE), INCLUDING ARTICLE I—DEFINITIONS,
ARTICLE II—GENERAL REGULATIONS,
ARTICLE III—REGULATIONS FOR NORTH
MERCED, AND ARTICLE IV—REGULATIONS
FOR DOWNTOWN.**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 20.62.040(B)(3), “Signs--Specific Standards by Zoning Districts—Commercial Zoning Districts,” of the Merced Municipal Code is hereby amended to read as follows:

- “3. The following standards shall apply to signs in the C-C, C-G and C-T zoning districts:
- a. The total sign area shall not exceed 500 square feet per lot.
 - b. Except for the C-C zoning district, all signs adjacent to or across the street from a residential zoning district shall not exceed 200 square feet, unless the Planning Commission approves a Conditional Use Permit for up to 500 square feet of total sign area per lot.
 - c. In C-T zones only or Planned Developments with Thoroughfare Commercial (CT) land use designations, shopping centers located on a lot of 10 acres or larger anywhere in the City Limits and having at least two street frontages may be allowed additional sign area over 500 square feet, but not more than one freestanding sign per street frontage with a conditional use permit approved by the Planning Commission are eligible for the adoption of a comprehensive sign program per the provisions of Section 17.36.667(L) through the approval of a conditional use permit by the Planning Commission.

- d. In addition, Traffic Safety Committee approval is required for signs moving or containing flashing lights that might be mistaken for traffic control.”

SECTION 2. AMENDMENT TO CODE. Section 17.36.072, “Signs—Article I.--Definitions—Changeable Copy Sign” of the Merced Municipal Code is hereby added to read as follows:

“17.36.072 – Changeable Copy Sign

A “Changeable Copy Sign” is a sign designed to allow the changing of copy through electrical, manual, or mechanical means. “Changeable Copy Signs” are limited to time and temperature signs, gasoline price signs, signs advertising events for performing arts or motion picture theaters, or any other use deemed appropriate by the Planning Commission through the approval of a comprehensive sign program.”

SECTION 3. AMENDMENT TO CODE. Section 17.36.120, “Signs—Article I.--Definitions —Director of Development Services” of the Merced Municipal Code is hereby amended to read as follows:

“17.36.120 - Director of ~~planning~~Development Services.

"Director of ~~planning~~Development Services" means the employee of the ~~city~~City within the ~~planning~~Development Services ~~department~~Department charged with the administration and enforcement of this chapter, or ~~his~~a duly authorized representative.”

SECTION 4. AMENDMENT TO CODE. Section 17.36.200, “Signs—Article I.--Definitions —Flashing Sign” of the Merced Municipal Code is hereby amended to read as follows:

“17.36.200 - Flashing sign.

"Flashing sign" means any sign which has any flashing device, intermittent illumination, revolving or rotating lighting device, or constant lighting device in which the brilliance thereof is caused to vary by mechanical or other means. A “flashing sign” does not include a “changeable copy sign” as defined in MMC 17.36.072.”

SECTION 5. AMENDMENT TO CODE. Section 17.36.260, “Signs—Article I.--Definitions--Marquee” of the Merced Municipal Code is hereby amended to read as follows:

“17.36.260 - Marquee.

"Marquee" means any ~~permanent roofed~~ structure attached to and supported by the building and projecting over public property or a building entrance, and shall include, but not be limited to, a canopy, walkway covering, or similar covering structure.”

SECTION 6. AMENDMENT TO CODE. Section 17.36.270, “Signs—Article I.—Definitions—Moving Sign” of the Merced Municipal Code is hereby amended to read as follows:

“17.36.270 - Moving sign.

"Moving sign" means any sign which has any visible moving parts, visible revolving or rotating parts, or visible mechanical movement of any description. A “Moving Sign” does not include a “Changeable Copy Sign” as defined in MMC 17.36.072.”

SECTION 7. AMENDMENT TO CODE. Section 17.36.470 through Section 17.36.590, “Signs—Article II—General Regulations” of the Merced Municipal Code is hereby repealed and amended to read as follows:

“17.36.470 - Permit-Required—Application—Exceptions.

No person shall erect, maintain, alter, relocate, change or otherwise modify any sign or allow or permit any sign to be erected, maintained, altered, relocated, changed or otherwise modified without first applying to the director of planning development services for and obtaining issuance of a sign permit and paying the fee as set forth in Chapter 17.04, as in the case of building permits or as set by resolution of the city council. The provisions of this section shall not apply to the following signs:

- A. A sign advertising the sale, lease or rental of the property on which it is placed;
- B. A construction sign identifying the architect, engineer, contractor of builder associated with any construction work on the property on which it is placed;
- C. Bulletin board for public, charitable or religious institutions;
- D. Nameplate sign;
- E. Memorial sign or tablet, or name of building and date of erection, when cut into any masonry surface or constructed of bronze or other incombustible material;

- F. Traffic or other municipal sign;
- G. Legal notice or legal advertisement;
- H. Sign used by a public utility regulated by the California Public Utilities Commission to protect the health, safety or welfare or to promote the convenience of the general public;
- I. Sign regulating on-premises traffic parking;
- J. Sign on the exterior surface of a vehicle as set forth in Section 17.36.040; or
- K. A temporary window sign in conjunction with a nonresidential use and not exceeding twenty-five percent of the window surface area of the window on which the sign is located or affixed.

17.36.480 - Permit—Application—Contents.

All applications for a sign permit shall be made on an application form supplied by the planning department, and shall be accompanied by the required fee, and shall be in the number of copies required by the director of planningdevelopment services. The application shall also be accompanied by such profiles, plot plans, drawings, photographs, color or material samples, or such other pertinent information as may be required by the director of planningdevelopment services.

17.36.490 - Requirements.

All signs:

- A. Shall be erected in compliance with the building, electrical and fire prevention codes of the Merced Municipal Code, and the general orders of the California Public Utilities Commission (if applicable), as they now exist or as hereafter amended, enacted or adopted;
- B. If erected upon a building, shall be mounted upon either:
 - 1. A wall of the building, in which case the sign shall not project or extend above or over the highest point of the wall of the building to which it is affixed,
 - 2. The roof of the building which has a pitch of at least three (3) vertical to twelve (12) horizontal feet, in which case a sign not exceeding two (2) feet in vertical height may be located parallel to and not more than three (3) feet from the lower edge of the slope,
 - 3. The vertical or substantially vertical portion of a roof, screen or penthouse, in which case a sign shall not extend above the portion of the roof, roof screen or penthouse to which it is affixed,

4. The exterior wall surface of a water tank or water tower if the sign is composed solely of painted surface areas, or
 5. On a marquee, providing that the frame and background are of metal construction and the sign is completely within the border line of the marquee's outer edge, or as otherwise approved by the Planning Commission through the adoption of a comprehensive sign program conditional use permit, and in no instance lower than seven and one-half (7½) feet above the sidewalk or thoroughfare;
- C. Shall be erected so as not to extend into any area within a street or other public right-of-way;
- D. If erected within a corner triangle:
1. The lower edge of the display surface shall be at least ten (10) feet in height above the established curb grade of the adjacent street or other public rights-of-way,
 2. The sign shall not extend into any area within a street or public right-of-way, and
 3. The width of diameter of the supporting member of the sign shall not exceed twelve (12) inches;
- E. Shall be erected at a location and in a manner that it will not interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, device, and shall not obstruct free and clear vision of pedestrians or vehicular traffic;
- F. Notwithstanding any provision to the contrary, no new billboard shall be permitted within the city after the adoption of this chapter. Billboards existing on and prior to the adoption of this chapter may continue to exist at their current location, subject to the provisions in Section 17.36.510 of this chapter, and may be maintained or replaced from time to time, provided, however, that the total display area of any existing billboard shall not be enlarged in any way;
- G. The prohibition contained in subsection C of this section shall not apply to any sign within a redevelopment agency project the downtown area located partially or wholly within the city.

17.36.500 - Sign area determination.

In determining the total square footage of signing on any property in any area of the city, there shall be included all signs which require a sign permit and that portion of a sign all signs regulating on-premises traffic parking

which, through color, shape, logo, or similar device, are identified with a use on the property.

17.36.510 - Illegal signs.

The following on-site signs are declared to be illegal and shall be removed by the owner without compensation:

- A. Any sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.
- B. Any sign which was lawfully erected but whose use has ceased, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than ninety (90) days.
- C. Any sign which has been more than fifty (50) percent destroyed, and the destruction is other than facial copy replacement, and the sign cannot be repaired within thirty (30) days of the date of its destruction.
- D. Any sign whose owner, outside of a change of copy, requests permission to remodel and remodels that sign, or expands or enlarges the building or land use upon which the sign is located, and the sign is affected by the construction, enlargement, or remodeling, or the cost of construction, enlargement, or remodeling of the sign exceeds fifty (50) percent of the cost of reconstruction of the building.
- E. Any sign whose owner seeks relocation thereof and relocates the sign.
- F. Any sign for which there has been an agreement between the sign owner and the city, for its removal as of any given date.
- G. Any expired temporary sign.
- H. Any sign which is or may become danger to the public or is unsafe.
- I. Any sign which constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city or county.

17.36.520 - Sign removal—Without notice.

The director of planning-development services shall remove any sign without giving notice, if the sign:

- A. Was erected in violation of the provisions of this chapter upon any property belonging to the United States, state, county, city, or any special purpose district; or
- B. Is found by the director to be unsafe and an immediate peril to persons or property.

17.36.530 - Sign removal—With notice.

A sign shall be removed upon the expiration of thirty days' written notice to remove or alter the sign given to the sign permittee or to the owner, agent or other person having the beneficial use as a tenant, lessee or otherwise, of the building, structure or land upon which the sign is located in the absence of a permit, and who has failed to comply with the order and no appeal from the order is pending, if the sign has been constructed, erected, altered, relocated, changed or modified, or is being maintained in violation of the provisions of this chapter.

17.36.540 - Sign removal—Cost.

- A. The actual cost of removing or altering any sign to comply with this chapter incurred shall be paid to the city by:
1. The person to whom a sign permit was issued, or in the absence of a permit, then by:
 2. The owner of the building or structure upon which the sign is erected, or
 3. The owner of the property upon which the sign is located if the sign is not erected upon a building or structure.
- B. The actual cost of removal or alteration shall become a debt owing the city for the collection of which the city may maintain a civil action thereon in its own name.

17.36.550 - Appeal procedure.

- A. Any order or decision of the director of ~~planning-development services~~ concerning a sign may be appealed to the planning commission by the owner of the sign, the person to whom a permit for the sign previously was issued, the owner of the building or structure upon which the sign is erected, the owner of the property upon which the sign is located if it is not erected upon a building or structure, or any other person aggrieved by the decision or order, in the following manner:

A written appeal and the fee therefor shall be submitted to the director of ~~planning-development services~~ who shall file it with the planning commission. The appeal must state the substance of the decision or order appealed from, and the provisions hereof which support the appeal.

- B. Within thirty days following filing of the appeal, the planning commission shall conduct a public hearing at which the person filing the appeal, the director of ~~planningdevelopment services~~, or their representatives shall be heard. Written notice of the date, hour and place of the hearing shall be

mailed to the person filing the appeal at least five days prior to the date of the hearing.

- C. Within thirty days following completion of the hearing, the planning commission shall confirm, modify or reject the decision or order of the director of planning-development services on the basis of the evidence submitted which established that such decision or order is consistent or inconsistent with the provisions of this chapter. The person who appealed from the decision or order shall be furnished with a written copy of the decision of the planning commission and the reasons therefor.
- D. When written notice is required to be given to any of the following persons under any section of this chapter, it shall be given by enclosing a copy of the notice, order or decision in a sealed envelope with postage prepaid and, respectively, addressed to:
 - 1. The person to whom a sign permit has been issued as the address appears on the application for the permit, and when no address appears, to general delivery, City of Merced;
 - 2. The owner of any building, structure or property upon which a sign is erected or located as the name of the owner and the owner's last known address appears on the last equalized assessment roll of the county, and when no address appears, to general delivery, City of Merced; or
 - 3. The person having the beneficial use of any building, structure or land upon which a sign is erected or located at such building or property.
- E. The envelope shall be deposited in the United States mail.
- F. Each notice, order or decision mailed in the manner set forth above shall be deemed to have been received by the person to whom it has been sent within forty-eight hours after the mailing thereof.

17.36.560 - Real estate sale signs.

- A. Notwithstanding any other provisions of this chapter, signs indicating the location of real property for sale including but not limited to the words "open house" may be placed upon property not being so advertised, provided the following conditions are met:

The written consent of the owner or person in lawful possession of the property upon which the sign is placed is first obtained.

- B. In a residential property of less than one acre, said signs shall not exceed a total of six square feet in area on one side, nor twelve square feet on all sides.

- C. On real property (except residential) of over one acre, the total display surface area of signs shall not exceed thirty-two square feet.
- D. On residential real property of one acre or more or on other real property of less than one acre, the total display surface area of signs shall not exceed twelve square feet.
- E. In addition to the display service area of signs allowed by B, C, and D, an additional sign, not to exceed twelve square feet, bearing the words "open house" shall be allowed for a period not exceeding eight hours per day.
- F. Real estate signs shall not be illuminated.

17.36.570 - Temporary signs—Conditions—Permit.

No person shall erect, display, maintain or allow or permit to be erected, displayed, or maintained a temporary sign or signs except on the following conditions:

- A. (1) A "temporary sign(s)" without direct illumination shall be allowed to advertise a commercial business or activity on any commercially zoned property, or an apartment or condominium complex, not to exceed a total of one hundred twenty (120) days for commercial and ninety (90) days for apartment or condominium complexes in any one calendar year for all temporary signs, and not to exceed more than thirty (30) days at any one time;
- (2) Temporary signs for apartment or condominium complexes shall be limited to banners, freestanding signs and amenity signs, and shall not exceed thirteen (13) square feet per side or twenty-six (26) square feet when affixed to building walls.
- (3) The number of temporary signs shall not exceed the number contained in the following chart:

Number of Apartments	Number of Temporary Signs
Up to 4 apartments	1
Up to 8 apartments	2
Up to 16 apartments	3
Up to 32 apartments	4
Up to 64 apartments	5
Up to 128 apartments	6
More than 128 apartments	7

- (4) All banners shall be affixed to building walls.

- B. Banners or similar temporary signs which announce a civic or charitable activity may be allowed in the public right-of-way with the consent and subject to the conditions of the development services director.
- C. A temporary sign(s), without direct illumination, to advertise a religious, charitable, cultural or educational organization or activity shall be allowed for a period not to exceed fourteen (14) days in any one calendar year; provided, that the total display service area of the sign(s) does not exceed sixteen (16) square feet, the sign(s) does not exceed six (6) feet in height, if freestanding, and the sign(s) is located at least five (5) feet inside the property line in a residentially zoned area, and at least two (2) feet inside the property line in other areas.
- D. A temporary sign permit shall have been obtained from the development services director ~~of planning~~ who, prior to issuance of said permit, shall have determined that the proposed location, method of installation and support of the temporary sign will not endanger the public health, welfare or safety.
- E. Payment of a fee for said temporary sign permit as set by the city council by resolution.

17.36.572 - Apartments or condominiums.

- A. An apartment or condominium complex shall be allowed one wall sign identifying the complex with an area not to exceed twenty-five (25) square feet for each street frontage having a curb cut up to a maximum of two (2) wall signs per complex.
- B. With a conditional use permit, an apartment or condominium complex may be permitted one decorative wall sign which meets the requirement of Section 17.36.655F.
- C. With a conditional use permit, an apartment or condominium complex with four hundred (400) feet or more of street frontage, or two street frontages, may be permitted one additional decorative wall sign. If two signs are located on any single street frontage the signs shall be separated by a minimum of two hundred (200) feet.
- D. In lieu of subsection B or C of this section, a monument structure may be permitted for an apartment or condominium complex with a minimum of two hundred (200) feet of frontage subject to the following criteria:
 - (1) The monument structure shall not exceed a height of six (6) feet above sidewalk grade, or finished floor of the nearest building, whichever is lower, and shall not exceed twenty-four square feet per side. Monument sign shall not cover more than 40% of the face of the

monument structure. With a conditional use permit, a monument structure may be up to thirty-six square feet per side and a monument sign may cover up to eighty percent of the face of the monument structure and include a reader board area. The foundation/base shall be a minimum eighty percent of the monument structure length. Materials, color, and arrangement shall be compatible and consistent with the apartment or condominium complex, and the monument structure shall be integrated into site landscape design.

- (2) The monument sign shall have a minimum three foot setback from any property line and shall not be permitted in a corner triangle.
 - (3) An apartment or condominium complex with four hundred feet or more of street frontage may be permitted one additional monument sign. In no case shall both monument signs be located on any single street frontage if the apartment or condominium complex has two or more frontages.
- E. A directional sign, for the purpose of providing direction, shall be permitted on each street frontage having a curb cut. The directional sign shall be no larger than six square feet. The directional sign may not exceed four feet in height. The directional sign may contain the name of the apartment or condominium complex. Materials, color, and arrangement shall be compatible and consistent with the apartment or condominium complex.

17.36.575 - Window signs.

- A. Window signs shall be non-illuminated (except "open/closed" signs) and shall not exceed thirty-five percent of the window area.
- B. Window signs shall not be counted toward the sign area permitted for the building or use.

17.36.580 - Use permit procedure.

Whenever a use permit is required by this chapter, the procedure contained in Title 20 shall be followed and requirements thereof complied with.

17.36.585 - Shopping center signs—C-T All zones.

~~Freestanding signs in a shopping center located in the C-T zoning district are prohibited unless the shopping center has at least two hundred feet of property frontage. A conditional use permit limiting the freestanding sign(s) to one hundred square feet per face shall be required if the shopping center property frontage exceeds two hundred feet.~~ Shopping centers in all zones, including Planned Developments, within the City Limits shall be eligible for

freestanding shopping center signs through the adoption of a comprehensive sign program as spelled out in MMC 17.36.667 with a conditional use permit approved by the Planning Commission.

17.36.590 - Violation—Misdemeanor.

It is a misdemeanor for any person to violate any provision or fail to comply with any requirements of this chapter.”

SECTION 8. AMENDMENT TO CODE. Section 17.36.600 through Section 17.36.795, “Signs—Article III—Regulations for North Merced” of the Merced Municipal Code is hereby repealed and amended to read as follows:

“17.36.600 - Prohibited signs.

No person shall erect, place, maintain or allow or permit to be erected, placed or maintained in the area of the city north of Bear Creek any banner connected to a tree(s), billboard, flashing sign, moving sign, movable freestanding sign, or sign connected with a home occupation.

17.36.610 - Generally.

In addition to the general requirements for signs within the city, all signs requiring sign permits shall comply with the following special requirements for the area north of Bear Creek.

17.36.630 - Individual letters—Exceptions.

All signs shall contain individual letters, except directory signs, nameplates, parking lot signs, political signs, development signs, real estate signs, temporary signs, signs identifying the location of a manager of an office, or tenant identification signs in a commercial office building which do not exceed two square feet.

17.36.640 - Wall type.

Except as may be indicated otherwise in this article, only building wall signs shall be permitted.

17.36.650 - Total square footage—Commercial zone.

A. Total square footage of all signs on a use within a building zoned commercial, except C-O (or zoned P-D (Planned Development) with commercial uses, except C-O uses in areas designated for office use), may not exceed the square footage contained in the following chart:

<u>Building Frontage</u>	10 Feet or Under	20 Ft	40 Ft	60 Ft	80 Ft	100 Ft	125 Ft	150 Ft	200 Ft	250 Ft	300 Ft	350 Ft or over
<u>Distance from Property Line in Feet*</u>	<u>Square Feet</u>											
Under 50 Ft*	20	22	24	27	31	36	42	49	57	66	76	87
100 Ft*	22	24	27	31	36	42	49	57	66	76	87	99
200 Ft*	24	27	31	36	42	49	57	66	76	87	99	112
300 Ft*	27	31	36	42	49	57	66	76	87	99	112	126
400 Ft*	31	36	42	49	57	66	76	87	99	112	126	141
500 Ft* Or Over*	36	42	49	57	66	76	87	99	112	126	141	157

*Distance from property line (in feet).

(If building frontage and/or distance from property line measurement(s) are between two values on chart, interpolate between the values to arrive at permitted sign area.)

NOTE: The amounts of signing shown in the above chart are maximum cumulative amounts for retail commercial uses located north of Bear Creek within the city. ~~A retail commercial use requiring a conditional use permit may be allowed less than the maximum, based upon additional design criteria.~~ Individual retail commercial uses containing more than twenty-five thousand square feet of building area are eligible under a conditional use permit for a discretionary sign square footage bonus of up to fifty percent of the amounts shown.

- B. A building of less than twenty-five thousand square feet, which has one building frontage and an exterior building side not on the public street, is permitted signage as follows:

Total sign area for a building be either:

1. The amount permitted for the building frontage plus the amount that would be permitted for exterior building side were said exterior building side the same distance from the property line as the building frontage; or,
2. A commercial building which consists of two or more usable stories is permitted up to fifty percent additional sign area with a conditional use permit.

- C. For any building allowed to utilize two building frontages or a building frontage and a building side for computing signing the maximum size for any one building frontage or side cannot exceed ~~fifty-seventy-five~~ percent of the total of all authorized signing, or the maximum amount of signing authorized by subsection A for that building frontage or side, whichever is greater, except by administrative conditional use permit.
- D. A commercial building which contains two or more tenants is permitted a two square foot tenant identification sign for each tenant in addition to permitted wall signing.
- E. Shopping centers with tenants having no exterior walls may be allowed a directory sign, mounted to a building, of up to twelve square feet, ~~with a conditional use permit.~~
- F. When a building frontage consists of more than one wall segment located at varying distances from the street property line in question, maximum sign size from the chart in subsection A shall be based upon:
 1. The building frontage setback of the wall segment on which the sign is to be located; and,
 2. The sum of the lineal length(s) of:
 - a. The wall segment upon which the sign is to be located; and,
 - b. Any additional wall segments which have an equal or less building frontage setback.
- G. If a use within a building does not have a building frontage, then the use's portion of the side of the building closest to a street shall be treated as though it were a building frontage.
- H. If a use within a building has two or more building frontages, the total allowed sign square footage for the use within the building shall be limited to the total square footage of signs allowed by the chart on the two building frontages closest to the street.

17.36.660 - Total square footage—C-O zone—Use permit.

On property zoned C-O (or zoned P-D (Planned Development) and designated for office uses), total signing shall be limited to the following:

- ~~A. Tenant identification signs shall be plaque signs not exceeding two square feet for each tenant;~~
- BA.** A tenant identification sign(s) of individual letters up to a maximum of one-fourth square foot of signing for each lineal foot of building frontage may be allowed ~~with a conditional use permit~~, but in no case shall the sign exceed twenty-five square feet;

~~CB~~. Directory signs as provided in Section 17.36.670;

~~DC~~. Each building shall be permitted up to ~~four~~ twenty-five square feet for a plaque identification sign;

~~ED~~. A building or office complex identification sign(s) of individual letters up to a maximum of one-fourth square foot of signing for each lineal foot of building frontage shall be allowed, but shall not exceed twenty-five square feet.

~~FE~~. If a building, or a use within a building has two building frontages, the total allowed sign square footage can be computed by combining the signing allowed on each frontage.

~~GF~~. Notwithstanding subsection E, an additional fifty percent of signage (not to exceed 37.5 square feet) may be allowed for the following ~~with a conditional use permit~~:

1. A building with two or more usable stories;
2. A single story building with one hundred feet or more of frontage;
3. An office complex.

17.36.665 - Monument signs and decorative wall signs.

In commercial zones and P-D zones, a monument sign or decorative wall sign identifying a freestanding building, office building, tenant in an office building, office complex or shopping center, ~~and counts toward the maximum allowed sign area~~, may be allowed subject to the following:

- A. A freestanding building, office building, tenant in an office building or office complex may be permitted a monument sign or a decorative wall sign ~~with a conditional use permit~~, and a church may be permitted a decorative wall sign ~~with a conditional use permit~~.
- B. A shopping center of less than thirty-five thousand square-feet may be permitted a monument sign or a decorative wall sign ~~with a conditional use permit~~. Refer to Section 17.36.667 for shopping centers over thirty-five thousand square-feet.
- C. A freestanding building located within a shopping center may be permitted a monument sign or decorative wall sign ~~with a conditional use permit~~.
- D. An office complex with four hundred feet or more of street frontage may be permitted two monument signs or decorative wall signs ~~with a conditional use permit~~.

- E. A monument structure shall not exceed a height of four feet or a length of six feet, and a monument sign shall not cover more than ~~forty-fifty~~ percent of the face of the monument structure. ~~In granting a conditional use permit, the~~ structure height may be reduced below the four-foot maximum if the height is greater than six feet above sidewalk or curb grade. The foundation/base shall be a minimum eighty percent of the monument structure length. Materials, color and arrangement shall be compatible and consistent with the freestanding building, office building, office complex, or shopping center.
- F. A decorative wall shall not exceed a height of four feet and a decorative wall sign shall not cover more than twenty percent of the face of the decorative wall. Materials, color and arrangement shall be compatible and consistent with the freestanding building, office building, office complex, shopping center or church.
- G. A monument structure or decorative wall shall have a minimum three-foot setback from any property line and shall not be permitted in a corner triangle.
- H. Individual letters and logos for a monument structure or decorative wall may be internally illuminated.
- I. A monument sign or decorative wall sign shall include a street address not to be counted towards the total sign area permitted.
- J. The sign area on the monument sign shall not count toward the allowable sign area for each individual tenant as long as the sign area for each tenant on the sign does not exceed more than 50% of the face of the monument structure.

17.36.667 - Free-standing or wall-mounted signs identifying shopping centers over ~~thirtytwenty~~-five thousand square feet and comprehensive sign programs.

Shopping centers or office complexes with a mix of retail and professional office tenants having at least ~~thirtytwenty~~-five thousand square feet of gross floor area and located within commercial zones and P-D zones may be allowed a free-standing or wall-mounted sign with a conditional use permit subject to review by the planning commission and to the following limitations:

- A. The shopping center sign may advertise the name of the center, the tenants in the center, or both the center and tenant names. Tenant advertising on a shopping center sign is not counted as part of the overall sign area permitted by Section, 17.36.650, "Total Square Footage—Commercial

Zone." The area of the name of the shopping center is in addition to the permitted copy area.

- B. Individual letters are required; Logos may be permitted. The background area immediately adjacent to the copy portion of the sign may include trademark colors, ~~however, it may not may~~ be illuminated unless adjacent to residential uses in which case the Planning Commission has the discretion to allow such illumination with or without conditions, and must be constructed of a material that is compatible with the texture and materials of the shopping center buildings. ~~Additionally, background area with trademark colors will be considered part of the total allowed signage.~~ Individual letters and logos may be internally illuminated.
- C. Materials, color and arrangement shall be compatible and consistent with the shopping center buildings.
- D. A maximum of two shopping center signs on one arterial street may be allowed. At least ~~eight-four~~ hundred feet of combined arterial street frontage is required to qualify for one sign, except that shopping centers existing at the time of adoption of this section meeting all other requirements of this section are not bound by this requirement. An additional ~~one thousand five~~ eight hundred feet of frontage is required for a second sign.
- E. The maximum height and size allowances for shopping center signs are different in the Neighborhood Commercial (C-N), Thoroughfare Commercial (C-T), and Regional/Community Commercial (R-C) land use designations. See table below:

Shopping Center Sign Standards by Land Use Designation		
Sign Feature	General Plan Land Use Designation	
	Neighborhood Commercial / <u>Thoroughfare Commercial</u>	Regional/ <u>Community</u> Commercial
Overall Height (as measured from top of sidewalk or curb)	12.5 feet + 2' appurtenance	20' + 3' appurtenance
Structure Area	12.5' high by 8' wide / 100 square feet per face	20' high by 13' wide / 260 square feet per face
Sign Area	40 50% of Structure Area, not to exceed 40-50 square feet per face	40 50% of Structure Area, not to exceed 104-130 square feet per face

- F. A minimum of ten square-feet or as otherwise approved by the Planning Commission of "Sign Area" is required for each tenant displayed on a shopping center sign.
- G. The foundation base shall be a minimum eighty percent of the sign structure length.
- H. The sign structure shall have a minimum three-foot setback from any property line and shall not be permitted in a corner triangle.
- I. The location of the shopping center sign shall be determined by the planning commission.
- J. An application to construct a shopping center sign shall be signed by all property owners of the shopping center.
- K. Compliance with Section 17.36.780 "Use Permit—Criteria."
- L. Shopping Centers or office complexes with a mix of retail and professional office tenants may be allowed through a conditional use permit approved by the Planning Commission to adopt a comprehensive sign program as follows:
 1. The comprehensive sign program shall consist of all signs on the premises that can be viewed from a public street, including but not limited to, directional signs, directory signs, shopping center signs, monument signs, and individual tenant signs. The sign program

shall establish a comprehensive design theme and set forth size, location, illumination, materials, and other design requirements for all signs.

2. With such a comprehensive sign program, a shopping center or mixed-use office complex may be eligible for “bonus” sign area greater than allowed under overall sign area permitted by Section, 17.36.650, "Total Square Footage—Commercial Zone," (or other sign size restrictions defined elsewhere in the Merced Municipal Code) if the following criteria are met. Items “a” and “b” below may be combined for a “bonus” of no more than 70 percent:
 - a. A “Bonus” of up to 30 percent shall be granted if permanent copy is included on the shopping center sign that states “City of Merced,” “Welcome to Merced,” or equivalent language, as approved by the Planning Commission.
 - b. A “Bonus” of up to 60 percent may be granted, pending approval by the Planning Commission, if enhanced design features (such as additional landscaping, water features, decorative artwork, seating areas, etc.) are incorporated into the shopping center.
 - c. A “Bonus” which would allow a “Changeable Copy Sign” of no more than 50 percent of the total sign area to be incorporated into the shopping center sign; and if the owner agrees to allow the City to advertise the City or community/City sponsored events, at the discretion of the City, on the sign on a continuous and ongoing basis as part of a continuous rotation of advertising or as otherwise defined by the Planning Commission. The Planning Commission may increase the total sign area and/or reduce the amount of City advertising for unique circumstances, such as motion picture/performing arts theaters. Other than those City events above, the Changeable Copy Sign shall not advertise any business, commodity, service, industry or other activity, which is not sold, offered, or conducted on the premises upon which the sign is located or affixed.
 - d. A “Bonus” consisting of an increased maximum allowable height of a shopping center sign, not to exceed 50 percent of the maximum allowable height spelled out in the Table in Section 17.36.667(E), may be granted, pending approval by the Planning Commission, if the criteria for either “a” or “b” above are met.

17.36.670 - Directory signs.

- A. Directory signs shall be limited to no more than one twelve square foot sign for each driveway entrance to a building or office complex and one six square foot sign for each pedestrian entrance.
- B. The number of directory signs may not exceed the number of entrances unless a conditional use permit is obtained.
- C. If visible from a public street, a directory sign shall be wall-mounted and illuminated only with indirect lighting.
- D. A building sign(s), office complex sign(s) or tenant identification sign(s), with the exception of plaque signs, may be internally illuminated with a conditional use permit.

17.36.680 - Flags—Use permit.

Flags, other than United States or California flags, may be allowed for commercial advertising purposes with an administrative conditional use permit, but the square footage shall be counted toward the total sign square footage allowed on the property.

17.36.690 - Electronic time/temperature—Use permit.

A building wall or fascia sign not exceeding six square feet per face that displays the time and/or temperature by electronic means may be allowed ~~with a use permit~~ on property zoned commercial or zoned P-D (Planned Development) with commercial uses.

17.36.700 - Barber poles.

Barber poles shall not exceed two and one-half feet in length and shall be wall-mounted to the business being identified.

17.36.710 - Manager location sign.

A sign which identifies the location of a manager of an office or residential complex shall not exceed one square foot in area.

17.36.720 - On-site development sign—Conditions.

An on-site development sign, limited to identifying the name of the development, the builder/developer, any logo, and the sales agent, shall be allowed under the following conditions:

- A. A tentative or final map for the development has been approved;
- B. The display surface area does not exceed eighty square feet and the sign is not over fourteen feet in height;
- C. The sign is located at least five feet inside the property line;
- D. The sign is not directly illuminated;

- E. The sign is removed within six months after completion of construction, or within two years from the time construction of the development begins, whichever is less, except that said period may be extended by conditional use permit.

17.36.730 - On-site development sign—Alternative—Permit.

In lieu of an on-site development sign allowed by Section 17.36.720, or in those instances where a tentative or final map is not required for construction work, an on-site construction sign identifying the architect, engineer, contractor, builder, sales agent or future tenant associated with the work shall be allowed with a sign permit under the following conditions:

- A. The display surface area of the sign(s) shall not exceed thirty-two square feet if the property is less than one acre, nor more than thirty-two feet per frontage if the property is one acre or more;
- B. Only one sign per frontage shall be allowed;
- C. The height of any sign shall not exceed eight feet;
- D. The sign(s) shall not be directly illuminated;
- E. The sign is located at least ten feet inside the property line;
- F. The sign is removed within seven days after substantial completion of the construction.

17.36.740 - Off-site development—Conditions.

An off-site development sign identifying the location of a development shall be allowed under the following conditions:

- A. A tentative or final map for the development has been approved;
- B. The display surface area does not exceed ten square feet, and the sign is not over six feet in height;
- C. The sign is not directly illuminated;
- D. The sign is removed within six months after completion of construction, or within two years from the time construction of the development begins, whichever is less, except that said period may be extended by conditional use permit.

17.36.760 - Residential subdivisions—Use permit.

Residential subdivisions may be allowed a wall-mounted entrance sign identifying the complex under an administrative conditional use permit.

17.36.770 - Six-inch street address—When a requirement.

All commercial uses, industrial uses, and residential uses of over four units shall install street address numbers of at least six inches high which are clearly visible from the nearest street. Sample street address numbers shall be shown on all construction drawings for building permits and on building elevations required for any city permit. The numbers shall be considered an architectural feature with color and/or material consistent with the building trim.

17.36.780 - Use permit—Criteria.

In addition to any other criteria that may be considered regarding an application for a conditional use permit required by this article, the planning commission and/or director of development services shall consider:

- A. The availability of appropriate sign locations of sufficient size upon the structure;
- B. Compatibility of the proposed signs with surrounding uses;
- C. The proximity of signs to adjacent streets;
- D. The size of logos on fascias with limited vertical distance; and
- E. Such other factors that may pertain to the overall appearance and quality of signing for the particular area within which a sign is proposed.

17.36.790 - Logos.

Notwithstanding Section 17.36.630, a logo, with or without individual letters, shall be permitted so long as the logo does not exceed twenty-five percent (25%) of the total permitted sign area. With an administrative conditional use permit, the percentage may be increased by up to fifty percent (50%) of the total permitted sign area.

17.36.795 - Administrative conditional use permit.

- A. Applications for the conditional use permits required under Chapter 17.36, excepting section 17.36.640, may be acted upon by the development services director within the conditions, limitations and procedures imposed on the planning commission by ~~Chapter 20.64~~Section 20.68.020 and this chapter.
- B. In the event the director of development services is of the opinion the administrative conditional use permit application is of such magnitude as to be of special interest to the people of the city and the planning commission, he/she shall refer the request to the planning commission for hearing and decision.

- C. Appeal from the decision of the director of development services shall be to the planning commission in accordance with Section ~~20.64.110~~20.68.020(G) and 20.74 (Appeals).”

SECTION 9. AMENDMENT TO CODE. Section 17.36.800 through Section 17.36.910, “Signs—Article IV—Regulations for Downtown” of the Merced Municipal Code is hereby repealed and amended to read as follows:

“17.36.800 — Planning Commission/Design review commission.

All signs erected, placed, maintained (other than as described in Section 17.36.860) or modified within boundaries established in Chapter ~~20.86~~20.68 thereof shall be reviewed by the Planning Commission/Design review Review commission-Commission staff as set forth in Chapter ~~20.86~~20.68 and shall be subject to the following special requirements which are in addition to all other applicable requirements contained in this chapter and Title 20 of this Code.

17.36.810 - Freeway district.

- A. The freeway district includes all the development project area between the Southern Pacific railroad tracks and Highway 99, all commercially zoned areas within the Design Review Area as defined in Chapter 20.68 redevelopment project area east of G Street and north of Highway 99, and all properties with State Highway 59 frontage located north of the Southern Pacific Railroad south of West 16th Street and east of Bear Creek.
- B. In addition to other allowed signs, the following uses within this district may be allowed one on-site freestanding freeway sign with a maximum height not to exceed fifty (50) feet above the crown of the freeway:
1. a hotel or motel;
 2. a restaurant or drive-in;
 3. a gasoline station;
 4. a shopping center
 5. an auto sales lot or showroom.

The square footage of the freestanding sign shall be in addition to that allowed by Section 17.36.830.

- C. In lieu of the sign described in B. above and subject to conditional use permit approval, two or more of the businesses therein described with lot areas totaling at least twenty-five (25) acres or more may be allowed up to two off-site or one on-site and one off-site freestanding signs provided

that the following minimum conditions are met: (1) all the uses are in a C-G (General Commercial) or C-T (Thoroughfare Commercial) zone;(2) no sign is over seventy-five (75) feet above the crown of the freeway; (3) the sign(s) is within two hundred (200) feet of the freeway; (4) the square footage of the sign(s) does not exceed nine hundred fifty (950) square feet per face, or nineteen hundred (1,900) square feet total sign area; and (5) the height of the sign(s) does not exceed seventy-five(75) feet.

The square footage of the freestanding sign(s) shall be in addition to that allowed by Section 17.36.830 and Title 20.

- D. For those properties with State Highway 59 frontage north of the Southern Pacific Railroad south of West 16th Street to Bear Creek, the freestanding sign shall be located adjacent to the south property line and the Southern Pacific Railroad right-of-way line.

17.36.820 - Vehicle sales district.

- A. The vehicle sales district includes all the Design Review Area as defined in Chapter 20.68 redevelopment project area between T Street and Bear Creek and between the alley south of 19th Street and the Southern Pacific railroad tracks.
- B. In addition to other allowed signs, vehicle dealers within this district may be allowed one freestanding sign not to exceed two hundred square feet with a maximum height of twenty-five feet. The freestanding sign shall be in addition to the total square footage of signing allowed by Section 17.36.830.

17.36.830 - Total square footage.

- A. A maximum of one (1) square foot of signing is permitted for each foot of primary building frontage. Buildings of two (2) or three (3) stories (exclusive of mezzanine) are permitted a fifty (50) percent increase in maximum signing and buildings of four (4) or more stories (exclusive of mezzanine) are permitted a hundred (100) percent increase in maximum signing, provided, that signs for first floor uses do not exceed one (1) square foot per foot of primary building frontage. All signs must be placed at ground floor level or uppermost floor level and no roof-mounted signs are permitted.
- B. An additional fifty (50) percent of the allowed signing in subsection A of this section is permitted for each foot of secondary building frontage.
- C. If no building exists on a lot, one (1) monument sign for a business located on the lot shall be permitted not to exceed fifty (50) square feet of sign area.

- D. For buildings that are set back more than fifty (50) feet from the property line, the ~~design review commission~~City may permit an additional five (5) square feet of signing for every twenty (20) feet the building is set back from the property line.
- E. The amount of signing permitted in subsections A and B of this section cannot be combined onto one (1) side of the building. The signing must be used on the side of the building from which it is calculated.
- F. Instructional signs that are four (4) square feet or less per face shall not count towards total square footage.

17.36.835 - Blade signs.

Blade signs that identify a business and are counted towards the maximum allowed sign area for a particular parcel may be permitted in ~~redevelopment downtown project~~ areas, by an application for administrative staff review through the planning department, if the following requirements are met:

- A. A blade sign must have a vertical clearance of eight (8) feet above the sidewalk or other public right-of-way and cannot exceed a height of more than six (6) feet above the height of the entryway of the building on which the sign is mounted or as otherwise approved by the Planning Commission through the approval of a comprehensive sign program conditional use permit;
- B. A blade sign must be attached by a wrought iron or similar metal framework to the building wall. Materials, color, and arrangement of the sign shall be compatible and consistent with the building and neighboring structures.

17.36.840 - Window signs.

No more than thirty-five (35) percent of all the window area can be covered. Temporary window signs that will exist for less than thirty (30) consecutive days do not need prior ~~planning design review~~ commission approval. Any permanent signage affixed to the window shall be of high quality materials and shall not include tempera paint. Permanent window signs shall be counted towards the total square footage permitted in any particular parcel.

17.36.850 - Prohibited signs.

No person shall erect or place or allow or permit to be erected or placed any of the following signs in the design review boundaries as described in Section 20.86.010 thereof:

- A. Projecting signs, with the exception of a blade sign as defined in Section 17.36.035 of this chapter and meeting the requirements in Section 17.36.835 of this chapter;
- B. Freestanding signs over six (6) feet in height (inclusive of supports) measured at grade or exceeding thirty (30) square feet per face, except as permitted by Section 17.36.810(B), Section 17.36.810(C) and Section 17.36.820 of this chapter;
- C. Billboards, unless located in an industrial zone;
- D. Signs emitting any foreign materials (sound, smoke, etc.);
- E. Signs with flashing or pulsating illumination (except for the sign(s) described in Section 17.36.810(C) of this chapter which may be allowed by conditional use permit;
- F. Signs affixed to, laid upon, painted on or attached to the roof of any structure or building;
- G. A United States flag and/or a California flag of any size shall be permitted to be flown less than forty (40) feet above grade; all other flags shall be considered signs subject to all limitations contained in this chapter.

17.36.860 - Sign maintenance.

Sign maintenance does not require review by the ~~design review~~ planning commission. Sign maintenance is defined as repainting a sign the same color or repairing broken or defective parts of the sign. Sign maintenance does not include altering in any way the contents, design or structure of the sign, or improving the sign beyond its original condition. Maintenance of nonconforming signs shall also be subject to the limitations set forth in Sections 17.36.510 and 17.36.880.

17.36.880 - Nonconforming signs.

- A. A nonconforming sign shall not be replaced, altered, reconstructed, relocated or expanded in any manner unless and until the sign is made to conform with the provisions of this chapter. Ordinary maintenance and minor repairs which will not increase the normal life of the sign are permitted.
- B. Replacement of a sign face, or one (1) or more removable panels on the sign, to display new content or design shall ~~not be permitted, unless and until the entire sign is made to conform with the provisions of this chapter.~~
- C. In the event of a change of name or logo of the business identified or advertised by a nonconforming sign, the entire sign shall not be made to conform with the provisions of this chapter.

17.36.890 - Historical resources.

Notwithstanding any other provision hereof, a sign which has been designated an historic resource in accordance with Chapter 17.54 or the reproduction of such a sign shall not be subject to the requirements of this article or Section 17.36.510.

17.36.900 - Public parking lots.

Wall signs shall be permitted facing city-owned parking lots in accordance to the requirements set forth in Section 17.36.490 of this chapter. A building adjacent to a city-owned parking lot shall be permitted to have signage on the wall facing that parking lot. The building elevation fronting on that parking lot shall be counted as building frontage and the wall sign shall count towards the total square footage of signage permitted.

17.36.910 – Historic or Multi-Story Buildings

Notwithstanding any other provision hereof, a structure that has been designated an historic resource in accordance with Chapter 17.54 or a structure over 2 stories within the Downtown area are eligible to adopt a comprehensive sign program that meets the requirements of 17.36.667(L)(1) and which may grant exceptions to the provisions of Chapter 17.36, Article IV, if approved through a conditional use permit approved by the Planning Commission.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 11. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 12. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2019, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2019, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney Date

PUBLIC NOTICE OF ADOPTION OF ORDINANCE

CITY OF MERCED

ORDINANCE NO. _____

NOTICE IS HEREBY GIVEN that on _____, 2019, the City Council of the City of Merced adopted Ordinance No. _____, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, AMENDING CHAPTER 20.62 (“SIGNS”) OF THE MERCED MUNICIPAL CODE AND CHAPTER 17.36 (“SIGNS”) OF THE MERCED MUNICIPAL CODE), INCLUDING ARTICLE I—DEFINITIONS, ARTICLE II—GENERAL REGULATIONS, ARTICLE III—REGULATIONS FOR NORTH MERCED, AND ARTICLE IV—REGULATIONS FOR DOWNTOWN.

Ordinance No. _____ amends Merced Municipal Code Section 20.62 (“Signs”) and Section 17.36 (“Signs”), which regulates signs within the City of Merced.

Ordinance No. _____ was adopted by the following roll call vote of the City Council:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

A copy of the full text of Ordinance No. _____ is available for review in the Office of the City Clerk, City of Merced, 678 West 18th Street, Merced, California, and on the City’s website at www.cityofmerced.org.

ASSISTANT CITY CLERK

PUBLISH: