

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #19-25 - Addendum

**AGENDA ITEM:** 4.3

**FROM &** Kim Espinosa,  
**PREPARED BY:** Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** Oct. 9, 2019  
(Continued from Sept. 18, 2019)

**CITY COUNCIL**  
**MEETING DATE:** Nov. 18, 2019  
(Tentative)

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**SUBJECT:** **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. \*PUBLIC HEARING\*

**ACTION:** PLANNING COMMISSION:

Recommendation to City Council

- 1) Environmental Review #19-21 (Categorical Exemption)
- 2) Sign/Zoning Ordinance Amendment #19-04

CITY COUNCIL:

Approve/Disapprove/Modify

- 1) Environmental Review #19-21 (Categorical Exemption)
- 2) Zoning Ordinance Amendment #19-04

**SUMMARY**

The City is proposing various amendments to the Sign and Zoning Ordinances regarding sign regulations to address some immediate issues prior to the commencement of a Comprehensive Sign Ordinance Update in late 2019/early 2020. These amendments would include new/modified definitions; the allowance of new comprehensive sign programs (including bonus signage amounts and features in exchange for meeting certain criteria and/or providing community benefits) for shopping centers in all areas of the City through the adoption of a conditional use permit; the elimination of the requirement for administrative conditional use permits for various signs in Commercial Office (C-O) areas, monument signs, and decorative wall signs; exempting sign area on monument signs and shopping center signs from the maximum allowable sign area for individual tenants; and the allowance for comprehensive sign programs for historic resources or buildings over 2 stories in the Downtown area. The Planning Commission reviewed the changes on September 18, 2019, and continued the public hearing to allow more time for legal review. The City Attorney’s office has completed their review, and there were a number of changes, which are outlined in Findings B and D below. Staff is recommending approval of the revised Ordinance. (Changes from the previous staff report are presented in underlined text.)

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission recommend approval to the City Council of a Categorical Exemption (Environmental Review #19-21—Attachment B) and Sign/Zoning Ordinance Amendment #19-04 (including the adoption of the Resolution at Attachment C) as described in the Draft Ordinance at Attachment A.

## **PROJECT DESCRIPTION**

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 including, but not limited to, new/modified definitions; the allowance of new comprehensive sign programs (including bonus signage amounts and features in exchange for meeting certain criteria and/or providing community benefits) for shopping centers in all areas of the City through the adoption of a conditional use permit; the elimination of the requirement for administrative conditional use permits for various signs in Commercial Office (C-O) areas, monument signs, and decorative wall signs; exempting sign area on monument signs and shopping center signs from the allowable sign area for individual tenants; and the allowance for comprehensive sign programs for historic resources or buildings over 2 stories in the Downtown area.

## **BACKGROUND**

The City of Merced’s current regulations regarding signage can be found in two locations: 1) Section 17.36 under Title 17 (Buildings and Construction) of the Merced Municipal Code, which is subdivided into four sections; and, 2) Chapter 20.62 (Signs) of the City’s Zoning Ordinance (Title 20 of the Merced Municipal Code). Section 17.36, which is more commonly known as the Sign Ordinance, is subdivided into four major sections: 1) Article I—Definitions; 2) Article II—General Regulations; 3) Article III—Regulations for North Merced; and, 4) Article IV—Regulations for Downtown.

The City completed a comprehensive Zoning Ordinance Update in 2016. Under the previous Zoning Ordinance, regulations regarding signage were spread throughout the Zoning Code in addition to those within the Sign Ordinance (Section 17.36). Under the new Zoning Code, all the sign regulations within the Zoning Code were consolidated and reformatted into Chapter 20.62, but the regulations themselves did not change.

As mentioned above, the Sign Ordinance contains general regulations and definitions which apply to all areas of the City, but there are specific regulations that apply only to North Merced (north of Bear Creek) and the Downtown (which generally covers an area from 19th to 14th Streets and Bear Creek to Highway 99 that corresponds to the Design Review/previous Downtown Redevelopment Area boundary).

Both the North Merced and Downtown Sign Regulations were established in the early 1980’s in an effort to achieve higher standards for signage within those two areas than what was required for the rest of the City. The North Merced regulations include sign allowances based on frontage and distance from the street, regulations for monument signs and shopping center signs, a requirement

for signs to contain individual letters (except logos), and administrative and Planning Commission approvals required for many signs. The Downtown Sign Regulations include special provisions for a Freeway District and a Vehicle Sales District as well as for Blade Signs and Window signs.

Various sections of the Sign regulations have been amended over the years to address temporary signs, blade signs, monument signs, commercial sign allowances in North Merced, freestanding shopping center signs, billboards, and the Freeway District. However, a comprehensive update of the Sign Ordinance has not been completed. Subsequently, the City's current Sign Ordinance does not adequately address, and in some cases does not address at all, many modern sign designs (such as LED/Digital signs, inflatable signs, feather signs, sandwich boards, human signs, etc.), the Reed vs. Gilbert Supreme Court Case, and regulations for political signs, signs within the public right-of-way, gasoline price signs, and signs within residential zoning districts, to name just a few.

In July 2019, City staff issued a Request for Proposals (RFP) to hire consultants to complete a Comprehensive Sign Ordinance Update, with proposals due on September 13, 2019. (Two proposals were received and interviews with City staff are scheduled for October 16, 2019.) However, because of the extensive public and business outreach and the time (approximately 12-18 months) needed to complete a Comprehensive Sign Ordinance Update, City staff is currently proposing some minor amendments to the Sign Ordinance, mostly in North Merced and focused on Shopping Center Signs, to address some immediate needs raised by prospective and existing businesses in the City.

On September 18, 2019, staff went over the proposed sign ordinance revisions with the Planning Commission. After the discussion, the Planning Commission continued the public hearing to tonight's agenda to allow more time for legal review. The City Attorney's office has completed their review and there were a number of changes, which are noted in Findings B and D below.

## **FINDINGS/CONSIDERATIONS:**

### **General Plan Policies Related to This Application**

- A) The proposed sign/zoning ordinance amendment would make changes in response to various issues regarding signage that have been raised by prospective and existing businesses in the City. General Plan Implementing Action L-2.3.d calls for the City to review and update the Zoning and Sign Ordinances as needed.

### **General Overview of Proposed Changes to the Sign and Zoning Ordinance**

- B) The City of Merced is proposing to adopt revisions to the Sign and Zoning Ordinances (Attachment A, now in the form of a draft ordinance) to address various signage issues prior to the Comprehensive Sign Ordinance Update. These modifications include:

#### Section 17.36 (Sign Ordinance)—Articles I through IV

- 1) Changing all the references to "Planning Director" or "Director of Planning" to "Director of Development Services" to address the change in job title since the code was originally adopted;
- 2) Changing all remaining references to the "Redevelopment Area" which were previously changed to "Downtown" or "Design Review Area" after the Redevelopment Agencies in California were dissolved in 2012, but a few were missed;

Section 17.36—Article I--Definitions

- 3) Adding or clarifying definitions to Article I of the Sign Code for “Changeable Copy Sign,” “Flashing Sign,” and “Moving Sign” in order to address conflicts between the definitions which do not allow for signs with changeable copy if done by digital means and to clarify that such signs will be allowed for certain uses, such as gasoline price signs, movie theaters, time/temperature signs, etc.;
- 4) Clarifying the definition of a “Marquee” to use more common language;

Section 17.36—Article II—General Regulations

- 5) Allowing “Marquee” signs to project over the outer edge of the marquee if approved by the Planning Commission through the adoption of a comprehensive sign program conditional use permit (see Findings C and D for a more detailed explanation of the comprehensive sign program);
- 6) Clarifying that for signs regulating on-premises parking or traffic (i.e. “Drive-thru,” “Enter Here,” “Exit,” etc.) that only the portion of the sign which contains an actual logo or name of the business is counted toward the maximum allowable signage;
- 7) Allowing shopping centers in all zones to be eligible for freestanding shopping center signs through the adoption of a comprehensive sign program (see Findings C and D);

Section 17.36—Article III—Regulations for North Merced

- 8) Removing the provision that allows for reducing the amount of maximum allowed signage for a business through a conditional use permit to the interests of fairness to all businesses;
- 9) Increasing the percentage of signage allowed on any one building frontage from 50 percent without a conditional use permit to 75 percent and allowing that to be approved by an administrative conditional use permit (issued by City staff);
- 10) Allowing shopping centers with tenants having no exterior walls to have directory signs up to 12 square feet without requiring a conditional use permit;
- 11) In Commercial Office (C-O) zones or Planned Developments with C-O designations:
  - (a) Removing the requirement for conditional use permits to get tenant signs up to 25 square feet;
  - (b) Increasing the size of a plaque identification sign for each building from 4 to 25 square feet;
  - (c) Allowing 50 percent bonus signage not to exceed 37.5 square feet for multi-story buildings, buildings with 100 feet or more of street frontage, or office complexes without requiring a conditional use permit
- 12) For monument signs and decorative wall signs:
  - (a) Allowing the signage on the monument sign or decorative wall sign to not count against the maximum allowed sign area for each tenant (currently it counts against the maximum allowed sign area);
  - (b) Removing the requirement to obtain a conditional use permit for various monument and decorative wall signs;
  - (c) Increasing the maximum percentage from 40 percent to 50 percent that the monument sign can cover of the face of the monument structure;

- 13) For Free-standing or wall-mounted Shopping Center Signs, which require a conditional use permit from the Planning Commission:
- (a) Reducing the minimum size of the shopping center to qualify for such signs from 35,000 square feet to 25,000 square feet;
  - (b) Allowing office complexes with a mix of retail and professional office tenants to qualify for such shopping center signs (i.e. the Plaza at El Portal is a good example of such a complex that doesn't currently qualify for such a sign);
  - (c) Tenant advertising on a shopping center sign will not count toward the maximum allowable signage for each tenant (it currently does count);
  - (d) Allows such signs to be illuminated unless adjacent to residential uses in which case the Planning Commission may allow the illumination, but with or without conditions (an example might be that the sign needs to be turned off by 10 p.m. or the amount of illumination would be reduced);
  - (e) Allowing any background area with trademark colors to not be counted toward the maximum allowable signage for the tenant (it current does);
  - (f) Increasing the maximum number of shopping center signs from 2 currently to up to 2 on each arterial street; reducing the amount of combined arterial street frontage required to qualify for one sign from 800 feet to 400 feet; and reducing the amount of additional street frontage to qualify for a second sign from 1,500 feet to 800 feet;
  - (g) Adding shopping centers in Thoroughfare Commercial (C-T) zones to qualify for the same shopping center signs as Neighborhood Commercial (C-N) zones;
  - (h) Increasing the maximum percentage from 40 percent to 50 percent that the sign area can cover of the face of the monument structure, increasing the amount from 40 to 50 square feet per face for C-N/C-T and from 104 to 130 square feet per face for Regional/Community Commercial (C-C) zones;
  - (i) Allowing the Planning Commission to reduce the minimum sign area for each tenant on a shopping center sign from 10 square feet to address unique circumstances;
  - (j) Adding the provisions for adoption of a Comprehensive Sign Program and "Bonus" signage through a Conditional Use Permit granted by the Planning Commission (See Findings C and D below for a detailed explanation);
  - (k) Removing the requirement for a conditional use permit for electronic time and temperature signs and allowing flags for commercial advertising purposes with an administrative conditional use permit.

Section 17.36—Article IV—Regulations for Downtown

- 14) Change all references to the "Design Review Commission" to the "Planning Commission/Design Review Commission" or simply "Planning Commission" as the Planning Commission took over the duties of the Design Review Commission in 2013;
- 15) Allowing Blade Signs to be more than 6 feet in height if approved as part of a comprehensive sign program (see Findings C and D below);
- 16) Allowing the replacement of sign faces or changes in the business name or logo for non-conforming signs without bringing the entire sign into compliance;

17) Allowing reproductions of historic signs to be installed (i.e. the historic “Hotel Tioga” sign was removed some years ago for repairs and the new owners would like to replace them, but the original letters have been lost);

18) Allowing Historic or Multi-Story buildings in the Downtown Area to qualify for a comprehensive sign program (see Findings C and D below);

Zoning Ordinance Chapter 20.62—Signs

19) Changing the current provisions that allow shopping centers on a lot of 10 acres or larger in Thoroughfare Commercial (C-T) zones to get additional signs to make them eligible for shopping center signs through a comprehensive sign program instead to be more consistent with what is allowed in other areas.

**Comprehensive Sign Programs and Bonus Signage**

C) The most significant proposed change to the Sign/Zoning Ordinance would be to allow for the adoption of comprehensive sign programs for shopping centers (and offices with a mix of retail and office uses) through the adoption of a conditional use permit by the Planning Commission. Through the adoption of a comprehensive sign program, the shopping centers could also qualify for “bonus” signage above the maximum allowed if certain criteria are met.

Most shopping centers have comprehensive sign programs, but they are usually for internal use and spell out design criteria that the shopping center owners impose on their tenants to achieve consistency for signs throughout the center. However, there are examples of comprehensive sign programs that have been adopted by the City through the Planned Development/Master Plan process for such shopping centers as the Merced Marketplace (Lowe’s, Best Buy, etc.) on Olive Avenue and the recently approved Merced Gateway project at Highway 99 and Campus Parkway. Other existing or proposed shopping centers that have recently expressed an interest in having such comprehensive sign programs include the Merced Mall (including the former Sears building) on Olive Avenue, the proposed Campus Parkway Plaza project across Coffee Street from Merced Gateway, the Plaza at El Portal on G Street, as well as the Merced Marketplace wanting to amend their current program to meet the needs of existing and future tenants. Over the years, some new businesses have also wanted to explore the option of installing reader boards or LED signs, which are not allowed under the City’s current sign regulations in North Merced.

In recent years, the City has expressed interest in seeing more identification signage for the City of Merced itself, especially along important gateway/entrances to the City. That led to the idea of allowing shopping centers to obtain “bonus” signage in exchange for certain community benefits.

D) The proposed additions regarding comprehensive sign programs and bonus signage which would add a new section “L” at the end of MMC 17.36.667 (pages 18 and 19 of Attachment A) are spelled out in their entirety below. After reviewing the proposed revisions, the City Attorney’s office noted that there could be First Amendment concerns with the requirement for public art and public open space in exchange for the bonus signage. Therefore, these sections have been changed to allow for enhanced design features, such as water features,

additional landscaping, decorative artwork, seating areas, etc., in exchange for the bonus signage. Some other minor language revisions were also made based on the legal review. With the other changes as noted in Finding B above, shopping centers throughout the City would qualify for these sign programs and bonus signage, not just centers in North Merced:

*“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.”*

**Timetable/Next Steps**

- E) If the Planning Commission makes a recommendation on the Draft Ordinance on October 9, 2019, a public hearing will be scheduled before the City Council, tentatively scheduled for November 18, 2019. If the Council introduces the Ordinance at that meetings, the 2<sup>nd</sup> reading and adoption of the Ordinance would be at the next City Council meeting on December 2, 2019, and then the Ordinance would be effective 30 days later or on approximately January 2, 2020.

**Environmental Clearance**

- F) The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption (i.e., no further environmental review is required) is being recommended (see Attachment B).

**Attachments:**

- A) Draft Ordinance
- B) Categorical Exemption
- C) Draft Planning Commission Resolution



**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.

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- 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;

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- 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,

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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

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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.

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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 planning-development services, or their representatives shall be heard. Written notice of the date, hour and place of the hearing shall be

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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.



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- 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.

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- 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

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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

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[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:

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<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.

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- 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;](#)~~

[B.A.](#) 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;

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- EB. 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~~.

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- 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



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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:

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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	<del>40</del> 50% of Structure Area, not to exceed <del>40-50</del> square feet per face	<del>40</del> 50% of Structure Area, not to exceed <del>104-130</del> 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

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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.

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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;

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- 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.

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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 20.64Section 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.

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- 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 18<sup>th</sup> Street, Merced, California, and on the City’s website at [www.cityofmerced.org](http://www.cityofmerced.org).

\_\_\_\_\_  
ASSISTANT CITY CLERK

PUBLISH:

**NOTICE OF EXEMPTION**

To: \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: (Public Agency)  
City of Merced  
678 West 18th St.  
Merced, CA 95340

X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title:** Zoning/Sign Ordinance Amendment #19-04/Environmental Review #19-21

**Project Applicant:** City of Merced

**Project Location (Specific):** City of Merced (City wide)

**Project Location - City:** Merced

**Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:** 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, including, but not limited to, new/modified definitions; the allowance of new comprehensive sign programs, including bonus signage amounts and features in exchange for meeting certain criteria and/or providing community benefits, for shopping centers in all areas of the City through the adoption of a conditional use permit; the elimination of the requirement for administrative conditional use permits for various signs in Commercial Office (C-O) areas, monument signs, and decorative wall signs; exempting sign area on monument signs and shopping center signs from the allowable sign area for individual tenants; and the allowance for comprehensive sign programs for historic resources or buildings over 2 stories in the Downtown area.

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** City of Merced

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: \_\_\_\_\_
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** The proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and City staff has determined that the amendment of regulations for signs do not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the “general rule exemption” (Section 15061(b)(3) of the CEQA Guidelines), projects which have no potential for causing a significant effect on the environment are not subject to CEQA, no further environmental analysis is required.

**Lead Agency:** City of Merced

**Contact Person:** Kim Espinosa

**Area Code/Telephone:** (209) 385-6858

**Signature:** 

**Date:** August 29, 2019 **Title:** Planning Manager

X  Signed by Lead Agency Date Received for Filing at OPR:  n/a  (If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**CITY OF MERCED**  
**Planning Commission**

**Resolution #\_\_\_\_\_**

**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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES:       Commissioner(s)

NOES:       Commissioner(s)

ABSENT:     Commissioner(s)

ABSTAIN:   Commissioner(s)

PLANNING COMMISSION RESOLUTION # \_\_\_\_\_

Page 2

October 9, 2019

Adopted this 9<sup>th</sup> day of October 2019

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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

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Secretary

Attachment:

Exhibit A – Draft Ordinance

n:shared:planning:PC Resolutions:ZOA#19-04



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.

[DRAFT for Planning Commission Consideration](#)

- 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;

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- 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,

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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

[DRAFT for Planning Commission Consideration](#)

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.

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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 planning-development services, or their representatives shall be heard. Written notice of the date, hour and place of the hearing shall be

[DRAFT for Planning Commission Consideration](#)

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.



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- 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.

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- 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

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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

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[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:

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<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.

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- 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;

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- EB. 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~~.

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- 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



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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:

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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	<del>40</del> 50% of Structure Area, not to exceed <del>40-50</del> square feet per face	<del>40</del> 50% of Structure Area, not to exceed <del>104-130</del> 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

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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.

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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;

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- 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.

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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 20.64Section 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.

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- 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 18<sup>th</sup> Street, Merced, California, and on the City’s website at [www.cityofmerced.org](http://www.cityofmerced.org).

\_\_\_\_\_  
ASSISTANT CITY CLERK

PUBLISH: