

EXISTING SIGN ORDINANCE

CHAPTER 17.36 – SIGNS

CHAPTER 20.62 - SIGNS

Chapter 17.36 - SIGNS

Article I. - Definitions

17.36.010 - Generally.

For the purpose of this chapter, the following words, terms, phrases, and the derivatives of any thereof, shall have the meanings that follow. When not inconsistent with the context, words used in any particular tense, number, or gender include any other tense, number, and gender. The word "may" is always directory and discretionary and not mandatory; the word "shall" is always mandatory and not directory or discretionary.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1 (part)).

17.36.013 - Amenity sign.

"Amenity sign" means a wall-mounted or freestanding sign that promotes features and/or services of an apartment.

(Ord. 2008 § 2, 1999).

17.36.015 - Apartment or condominium complex.

"Apartment" or "condominium complex" means a residential complex which contains more than four (4) dwelling units.

(Ord. 2008 § 3, 1999).

17.36.020 - Barber pole.

"Barber pole" means a stationary cylindrical pole of red, white, and blue spiral stripe design and which identifies a barber shop.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(1)).

17.36.030 - Billboard.

"Billboard" means any sign which directs attention to a business, commodity, service, industry or other activity, which is not sold, offered or conducted on the premises upon which such sign is located, or to which it is affixed.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(2)).

17.36.035 - Blade sign.

"Blade sign" means a pedestrian-oriented, noninternally illuminated double-faced sign, comprised of one (1) individual panel, projecting from the building wall on which it is mounted. A blade sign cannot exceed a total of five (5) square feet of signage per side, has at least six (6) inches between the building wall and the edge of the sign nearest the building, and cannot project more than forty-two (42) inches from the building wall on which it is mounted.

(Ord. 2230 § 1, 2006).

17.36.040 - Building.

"Building" means any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(3)).

17.36.050 - Building floor area.

"Building floor area" means the sum of the areas computed from the outside dimensions of a building, including corridors and other design features, for each floor contained therein including mezzanine floors.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(4)).

17.36.060 - Building frontage.

"Building frontage" means the length of a side of a building which faces directly upon a public street. For purposes of this chapter, "faces directly upon a public street" means that the area formed by extending lines to the street from the two (2) building sides which intersect the subject side of the building will not intersect at any portion of an existing structure or a proposed structure shown on an approved site utilization plan or other specific or master plan or will not intersect any portion of another lot.

If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building elevation measured parallel to the public street upon which such building fronts.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(5)).

17.36.070 - City.

"City" means the City of Merced, California, including all of the territory and jurisdiction thereof as presently constituted, and any and all of the same which shall later come into existence by any manner or means whatsoever.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1 (6)).

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.

(Ord. No. 2508, § 2, 12-2-2019)

17.36.075 - Colors, trademark.

"Trademark colors" are specific colors, commonly arranged in a certain pattern, that are utilized by a business to establish identity, recognition and association between such color and such business. For example, McDonald's is identified by yellow arches on a red background.

(Ord. 2092 § 1, 2002).

17.36.080 - Corner triangle.

"Corner triangle" means the triangular area created by a line connecting points along the front and side lot lines which points are established forty (40) feet in distance from the intersection of the extension of such front and side lot lines within the street right-of-way, and by a line connecting points along the front lot line and driveway apron, which points are established ten feet in distance from the intersection of the extension of such front lot line and driveway apron within the perpendicular to the street right-of-way.

(Ord. 1808 § 1, 1992: Ord. 1337 § 1 (part), 1980: prior code § 32.1(7)).

17.36.090 - Council.

"Council" means the city council of the city.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(8)).

17.36.095 - Decorative wall.

"Decorative wall" means a wall which:

- A. Serves as a component of the site or landscape design; and
- B. Functions as a connection between buildings, to screen parking lots or mechanical equipment, as a retaining wall, and/or an architectural or landscape feature.

(Ord. 1808 § 2, 1992).

17.36.097 - Decorative wall sign.

"Decorative wall sign" means a sign which contains individual letters, except for logos, on a decorative wall.

(Ord. 1808 § 3, 1992).

17.36.100 - Development sign.

"Development sign" means any sign erected during construction and development of industrial or residential subdivisions, office complexes, apartment complexes or shopping centers.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(9)).

17.36.110 - Direct illumination.

"Direct illumination" means a light source in which the light rays go through the face of the sign. The term includes illuminated tubing and strings of lights.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(10)).

17.36.120 - Director of development services.

"Director of development services" means the employee of the city within the development services department charged with the administration and enforcement of this chapter, or a duly authorized representative.

(Ord. No. 2508, § 3, 12-2-2019)

Editor's note— Ord. No. 2508, § 3, adopted Dec. 2, 2019, amended § 17.36.120 in its entirety to read as herein set out. Former § 17.36.120 pertained to the director of planning, and derived from Ord. 1337 § 1 (part), 1980; and prior code § 32.1(11).

17.36.130 - Directory sign.

"Directory sign" means any sign which includes only the names and locations of businesses, firms, offices, residential complexes or establishments but does not otherwise promote or advertise the business or residential complex.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(12)).

17.36.140 - Display surface.

"Display surface" means the area made available by the sign structure for the purpose of displaying the message.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(13)).

17.36.150 - Display surface area.

"Display surface area" means and includes the sum of the separate display surfaces of a sign, including the reverse side of any sign when the reverse side actually may be viewed from any city street, expressway, freeway, or other public right-of-way. The area of each display surface shall be computed by calculating the area of the circle, square, triangle, rectangle, or combination of such geometric designs necessary to enclose such surface.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(14)).

17.36.160 - Erect.

"Erect" means to build, construct, attach, hang, place, suspend, paint or affix.

(Ord. 1337 § 1(part), 1980: prior code § 32.1(15)).

17.36.170 - Face.

"Face" (of a building) means the outer surface of the walls of a building which directly front upon a public right-of-way.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(16)).

17.36.180 - Fascia.

"Fascia" means the horizontal facing on a roof located beyond the exterior walls of a building.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(17)).

17.36.190 - Flag.

"Flag" means any sign, banner, pennant, or valance designed to be flown on a flagpole. The term does not include the U.S. Flag or other governmental flag.

(Ord. 1337 § 1(part), 1980: prior code § 32.1(18)).

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.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(19)).

(Ord. No. 2508, § 4, 12-2-2019)

17.36.205 - Freestanding building.

A "freestanding building" means a building with only one (1) tenant.

(Ord. 1808 § 4, 1992).

17.36.210 - Freestanding sign.

"Freestanding sign" means a sign which is supported by one or more uprights, poles, or braces in the ground.

(Ord. 2008 § 4, 1999: Ord. 1337 § 1 (part), 1980: prior code § 32.1(20)).

17.36.220 - Freeway.

"Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect to which such owners have only a limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of California, or as hereafter amended.

(Ord. 1337 § 1(part), 1980: prior code § 32.1(21)).

17.36.230 - Front/Frontage.

"Front/frontage" means that portion of a lot or building which faces a street.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(22)).

17.36.240 - Instructional sign.

"Instructional sign" means any sign which does not contain advertising or promotional matter but relates solely to traffic or pedestrian control, warnings or hours of operation.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(23)).

17.36.250 - Landscaped freeway.

"Landscaped freeway" means a section or sections of a freeway which is now, or hereafter maybe, improved by the planting on at least one side of the freeway right-of-way of lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance; provided, however, that planting for the purposes of soil erosion control, traffic safety requirements, reduction of fire hazards or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

(Ord. 1337 § 1(part), 1980: prior code § 32.1(24)).

17.36.255 - Logo.

"Logo" means a distinctive symbol or design consistently used by a business and by which the specific business intends to be known through association, resemblance, or convention.

(Ord. 1790 § 1, 1991).

17.36.260 - Marquee.

"Marquee" means any 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.

(Ord. 1337 § 1 (part), 1980: prior code 32.1(25)).

(Ord. No. 2508, § 5, 12-2-2019)

17.36.265 - Monument sign.

A "monument sign" means a sign which contains individual letters, except for logos, on a monument structure.

(Ord. 1808 § 5, 1992).

17.36.267 - Monument structure.

"Monument structure" means a structure detached from any building and supported by a solid foundation/base which is secured to the ground and consists of color and materials consistent with the building, office, complex, shopping center, or apartment/condominium complex.

(Ord. 2008 § 5 1999: Ord. 1808 § 6, 1992).

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.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(26)).

(Ord. No. 2508, § 6, 12-2-2019)

17.36.280 - Nameplate.

"Nameplate" means a sign less than one square foot in area containing the name of an occupant of a building, with or without an internal address, room or suite number.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(27)).

17.36.290 - Nonconforming sign.

"Nonconforming sign" means a sign which was legal at the time it was erected but does not accord or comply with the requirements of this chapter, or an amendment hereto.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(28)).

17.36.295 - Office building.

"Office building" means a building utilized for commercial office use not within an office complex.

(Ord. 1862 § 1, 1993).

17.36.300 - Office complex.

"Office complex" means two or more office buildings located on one or more contiguous parcels and which utilize common off-street parking and access.

(Ord. 1808 § 7, 1992: Ord. 1337 § 1 (part), 1980: prior code § 32.1(29)).

17.36.310 - On-site or accessory sign.

"On-site" or "accessory sign" means a sign which directs attention to a business, commodity, service, industry or other activity, which is sold, offered or conducted on the premises upon which such sign is located, or to which it is affixed.

(Ord. 1337 § 1 (part), 1980: prior code 32.1(30)).

17.36.320 - Owner.

"Owner" means the person in which title is vested, or a duly authorized agent of such owner.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(31)).

17.36.330 - Parking lot sign.

"Parking lot sign" means a sign placed or displayed on a parking lot to supply information to people using such lot, including information with respect to liability, as well as entry, exit, and directional information as is necessary to facilitate the safe movement of vehicles served by the parking area.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(32)).

17.36.340 - Permanent sign.

"Permanent sign" means and includes every sign, except "temporary sign," as defined in this article.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(33)).

17.36.350 - Person.

"Person" means any natural person, firm, association, organization, partnership, trust, or association of persons, joint venture, corporation or company, and any officer or agent thereof.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(34)).

17.36.360 - Planning commission.

"Planning commission" means the city planning commission.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(35)).

17.36.370 - Political sign.

"Political sign" means a sign designed for the purpose of advertising support of, or opposition to, a candidate or proposition at a public election.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(36)).

17.36.380 - Primary front/frontage.

"Primary front/frontage" means the frontage on a lot or building that has the highest traffic volume.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(37)).

17.36.390 - Projecting sign.

"Projecting sign" means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(38)).

17.36.400 - Shopping center.

"Shopping center" means a group of businesses which function as an integral unit on a single parcel or on contiguous parcels and which utilize common off-street parking and access.

(Ord. 1808 § 8, 1992: Ord. 1337 § 1 (part), 1980: prior code § 32.1(39)).

17.36.410 - Sign.

"Sign" means and includes any announcement, declaration, demonstration, display, illustration, insignia, surface or space, when erected out-of-doors (or indoors in the case of a window sign) and in view of the general public for identification, advertisement or promotion of the interests of any person.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(40)).

17.36.420 - Sign structure.

"Sign structure" means the structural elements of a sign and the supporting structure thereof when it is not a part of a building and which is capable of supporting any sign.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(41)).

17.36.430 - Street.

"Street" means the surface of and the space above any public street, road, highway, thoroughfare, way, court, parkway, drive, or other such interest or place over which there is public control or direction as to the use or occupancy thereof, which now or hereafter shall exist within the city, but shall exclude alleys or sidewalks.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(42)).

17.36.440 - Temporary sign.

"Temporary sign" means and includes any sign approved for display for a set length of time.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(43)).

17.36.445 - Tenant.

"Tenant" means a business establishment or organization which occupies a building space for the purpose of performing a service or providing a commodity.

(Ord. 1808 § 9, 1992).

17.36.450 - Wall sign.

"Wall sign" means any sign attached to, or erected against, the wall of a building or structure, with the exposed face of the sign in a place approximately parallel to the plane of the wall. "Wall" shall not include windows or window walls.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(44)).

17.36.460 - Window sign.

"Window sign" means any sign displayed on the inside or outside of a window facing and visible from a public street, walkway or parking lot, or a parking lot, pedestrian plaza or walkway accessible to the public.

(Ord. 1337 § 1 (part), 1980: prior code § 32.1(45)).

Article II. - General Regulations

Footnotes:

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Editor's note— Ord. No. 2508, § 7, adopted Dec. 2, 2019, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 17.36.470—17.36.590, pertained to similar subject matter, and derived from prior code §§ 32.2—32.6, 32.7(a), (a)*, (b), 32.8—32.12; Ord. 1337 § 1 (part), adopted in 1980; Ord. 1419 § 1, adopted in 1981; Ord. 1687 § 1, adopted in 1987; Ord. 1808 §§ 10—12, adopted in 1992; Ord. 2008 §§ 6, 7, 9, adopted in 1999; and Ord. 2270 § 1, adopted in 2006.

*Editor's Note: Ordinance 1337 contained two subsections numbered 32.7(a).

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 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 or builder associated with any construction work on the property on which it is placed;
- C. Bulletin board for public, charitable or religious institutions;
- D. Nameplate sign;
- E. Memorial sign or tablet, or name of building and date of erection, when cut into any masonry surface or constructed of bronze or other incombustible material;
- F. Traffic or other municipal sign;
- G. Legal notice or legal advertisement;
- H. Sign used by a public utility regulated by the California Public Utilities Commission to protect the health, safety or welfare or to promote the convenience of the general public;
- I. Sign regulating on-premises traffic parking;
- J. Sign on the exterior surface of a vehicle as set forth in Section 17.36.040; or
- K. A temporary window sign in conjunction with a nonresidential use and not exceeding twenty-five (25) percent of the window surface area of the window on which the sign is located or affixed.

(Ord. No. 2508, § 7, 12-2-2019)

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 development 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 development services.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.490 - Requirements.

All signs:

- A. Shall be erected in compliance with the building, electrical and fire prevention codes of the Merced Municipal Code, and the general orders of the California Public Utilities Commission (if applicable), as they now exist or as hereafter amended, enacted or adopted;
- B. If erected upon a building, shall be mounted upon either:
 - 1. A wall of the building, in which case the sign shall not project or extend above or over the highest point of the wall of the building to which it is affixed,
 - 2.

The roof of the building which has a pitch of at least three (3) vertical to twelve (12) horizontal feet, in which case a sign not exceeding two (2) feet in vertical height may be located parallel to and not more than three (3) feet from the lower edge of the slope,

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

(Ord. No. 2508, § 7, 12-2-2019)

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 regulating on-premises traffic parking which, through color, shape, logo, or similar device, are identified with a use on the property.

(Ord. No. 2508, § 7, 12-2-2019)

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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.520 - Sign removal—Without notice.

The director of 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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.530 - Sign removal—With notice.

A sign shall be removed upon the expiration of thirty (30) 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.

(Ord. No. 2508, § 7, 12-2-2019)

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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.550 - Appeal procedure.

- A. Any order or decision of the director of 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 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 (30) days following filing of the appeal, the planning commission shall conduct a public hearing at which the person filing the appeal, the director of development services, or their representatives shall be heard. Written notice of the date, hour and place of the hearing shall be mailed to the person filing the appeal at least five (5) days prior to the date of the hearing.

- C.

Within thirty (30) days following completion of the hearing, the planning commission shall confirm, modify or reject the decision or order of the director of 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 (48) hours after the mailing thereof.

(Ord. No. 2508, § 7, 12-2-2019)

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 (1) acre, said signs shall not exceed a total of six (6) square feet in area on one (1) side, nor twelve (12) square feet on all sides.
- C. On real property (except residential) of over one (1) acre, the total display surface area of signs shall not exceed thirty-two (32) square feet.
- D. On residential real property of one (1) acre or more or on other real property of less than one (1) acre, the total display surface area of signs shall not exceed twelve (12) 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 (12) square feet, bearing the words "open house" shall be allowed for a period not exceeding eight (8) hours per day.

F. Real estate signs shall not be illuminated.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.570 - Temporary signs—Conditions—Permit.

A. 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:

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 (1) calendar year for all temporary signs, and not to exceed more than thirty (30) days at any one (1) time.
2. Temporary signs for apartment or condominium complexes shall be limited to banners, freestanding signs and amenity signs, and shall not exceed thirteen (13) square feet per side or twenty-six (26) square feet when affixed to building walls.
3. The number of temporary signs shall not exceed the number contained in the following chart:

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

4. All banners shall be affixed to building walls.
- B. Banners or similar temporary signs which announce a civic or charitable activity may be allowed in the public right-of-way with the consent and subject to the conditions of the development services director.
- C. A temporary sign(s), without direct illumination, to advertise a religious, charitable, cultural or educational organization or activity shall be allowed for a period not to exceed fourteen (14) days in any one (1) 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 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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.572 - Apartments or condominiums.

- A. An apartment or condominium complex shall be allowed one (1) 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 (1) decorative wall sign which meets the requirement of Section 17.36.665.F.
- C. With a conditional use permit, an apartment or condominium complex with four hundred (400) feet or more of street frontage, or two (2) street frontages, may be permitted one (1) additional decorative wall sign. If two (2) 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 (24) square feet per side. Monument sign shall not cover more than forty (40) percent of the face of the monument structure. With a conditional use permit, a monument structure may be up to thirty-six (36) square feet per side and a monument sign may cover up to eighty (80) percent of the face of the monument structure and include a reader board area. The

foundation/base shall be a minimum eighty (80) 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 (3) foot setback from any property line and shall not be permitted in a corner triangle.
 3. An apartment or condominium complex with four hundred (400) feet or more of street frontage may be permitted one (1) 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 (2) 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 (6) square feet. The directional sign may not exceed four (4) 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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.575 - Window signs.

- A. Window signs shall be non-illuminated (except "open/closed" signs) and shall not exceed thirty-five (35) percent of the window area.
- B. Window signs shall not be counted toward the sign area permitted for the building or use.

(Ord. No. 2508, § 7, 12-2-2019)

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.

(Ord. No. 2508, § 7, 12-2-2019)

17.36.585 - Shopping center signs—All zones.

Shopping centers in all zones, including planned developments, within the city limits shall be eligible for freestanding shopping center signs through the adoption of a comprehensive sign program as spelled out in MMC 17.36.667 with a conditional use permit approved by the planning commission.

(Ord. No. 2508, § 7, 12-2-2019)

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.

(Ord. No. 2508, § 7, 12-2-2019)

Article III. - Regulations for North Merced

Footnotes:

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Editor's note— Ord. No. 2508, § 8, adopted Dec. 2, 2019, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 17.36.600—17.36.795, pertained to similar subject matter, and derived from prior code §§ 32.20—32.22; Ord. 1337 § 1 (part), adopted in 1980; Ord. 1500 § 1, adopted in 1983; Ord. 1790 §§ 2, 3, adopted in 1991; Ord. 1808 §§ 13—18, 20, adopted in 1992; Ord. 1853 §§ 1—3, adopted in 1993; Ord. 1862 § 2, adopted in 1993; and Ord. 2092 §§ 2 (part), 3(part), adopted in 2002.

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.

(Ord. No. 2508, § 8, 12-2-2019)

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.

(Ord. No. 2508, § 8, 12-2-2019)

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 (2) square feet.

(Ord. No. 2508, § 8, 12-2-2019)

17.36.640 - Wall type.

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

(Ord. No. 2508, § 8, 12-2-2019)

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:

Building Frontage	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
Distance from Property Line in Feet*	<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
<u>400 Ft*</u>	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 (2) 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. Individual retail commercial uses containing more than twenty-five thousand (25,000) square feet of building area are eligible under a conditional use permit for a discretionary sign square footage bonus of up to fifty (50) percent of the amounts shown.

- B. A building of less than twenty-five thousand (25,000) square feet, which has one (1) 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 (2) or more usable stories is permitted up to fifty (50) percent additional sign area with a conditional use permit.
- C. For any building allowed to utilize two (2) building frontages or a building frontage and a building side for computing signing the maximum size for any one (1) building frontage or side cannot exceed seventy-five (75) 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 (2) or more tenants is permitted a two (2) 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 (12) square feet.
- F. When a building frontage consists of more than one (1) 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 (2) 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 (2) building frontages closest to the street.

(Ord. No. 2508, § 8, 12-2-2019)

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. A tenant identification sign(s) of individual letters up to a maximum of one-fourth ($\frac{1}{4}$) square foot of signing for each lineal foot of building frontage may be allowed, but in no case shall the sign exceed twenty-five (25) square feet;
- B. Directory signs as provided in Section 17.36.670;
- C. Each building shall be permitted up to twenty-five (25) square feet for a plaque identification sign;
- D. A building or office complex identification sign(s) of individual letters up to a maximum of one-fourth ($\frac{1}{4}$) square foot of signing for each lineal foot of building frontage shall be allowed, but shall not exceed twenty-five (25) square feet.
- E. If a building, or a use within a building has two (2) building frontages, the total allowed sign square footage can be computed by combining the signing allowed on each frontage.
- F. Notwithstanding subsection E, an additional fifty (50) percent of signage (not to exceed thirty seven and one-half (37.5) square feet) may be allowed for the following:
 1. A building with two (2) or more usable stories;
 2. A single story building with one hundred (100) feet or more of frontage;
 3. An office complex.

(Ord. No. 2508, § 8, 12-2-2019)

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 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, and a church may be permitted a decorative wall sign.
- B.

A shopping center of less than thirty-five thousand (35,000) square-feet may be permitted a monument sign or a decorative wall sign. Refer to Section 17.36.667 for shopping centers over thirty-five thousand (35,000) square-feet.

- C. A freestanding building located within a shopping center may be permitted a monument sign or decorative wall sign.
- D. An office complex with four hundred (400) feet or more of street frontage may be permitted two (2) monument signs or decorative wall signs.
- E. A monument structure shall not exceed a height of four (4) feet or a length of six (6) feet, and a monument sign shall not cover more than fifty (50) percent of the face of the monument structure. The structure height may be reduced below the four-foot maximum if the height is greater than six (6) feet above sidewalk or curb grade. The foundation/base shall be a minimum eighty (80) 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 (4) feet and a decorative wall sign shall not cover more than twenty (20) 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 fifty (50) percent of the face of the monument structure.

(Ord. No. 2508, § 8, 12-2-2019)

17.36.667 - Free-standing or wall-mounted signs identifying shopping centers over twenty-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 twenty-five thousand (25,000) square feet of gross floor area and located within commercial zones and P-D zones may be allowed a free-standing or wall-mounted sign with a conditional use permit subject to review by the planning commission and to the following limitations:

- A.

The shopping center sign may advertise the name of the center, the tenants in the center, or both the center and tenant names. Tenant advertising on a shopping center sign is not counted as part of the overall sign area permitted by Section 17.36.650, "Total square footage—Commercial zone." The area of the name of the shopping center is in addition to the permitted copy area.

- B. Individual letters are required; Logos may be permitted. The background area immediately adjacent to the copy portion of the sign may include trademark colors, 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. 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 (2) shopping center signs on one (1) arterial street may be allowed. At least four hundred (400) feet of combined arterial street frontage is required to qualify for one (1) 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 eight hundred (800) feet of frontage is required for a second sign.
- E. The maximum height and size allowances for shopping center signs are different in the Neighborhood Commercial (C-N), Thoroughfare Commercial (C-T), and Regional/Community Commercial (R-C) land use designations. See table below:

Shopping Center Sign Standards by Land Use Designation		
Sign Feature	General Plan Land Use Designation	
	Neighborhood Commercial / Thoroughfare Commercial	Regional / Community 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	50% of Structure Area, not to exceed 50 square feet per face	50% of Structure Area, not to exceed 130 square feet per face
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- F. A minimum of ten (10) 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 (80) percent of the sign structure length.
- H. The sign structure shall have a minimum three-foot setback from any property line and shall not be permitted in a corner triangle.
- I. The location of the shopping center sign shall be determined by the planning commission.
- J. An application to construct a shopping center sign shall be signed by all property owners of the shopping center.
- K. Compliance with Section 17.36.780 "Use Permit—Criteria."
- L. Shopping centers or office complexes with a mix of retail and professional office tenants may be allowed through a conditional use permit approved by the planning commission to adopt a comprehensive sign program as follows:
1. The comprehensive sign program shall consist of all signs on the premises that can be viewed from a public street, including, but not limited to, directional signs, directory signs, shopping center signs, monument signs, and individual tenant signs. The sign program shall establish a comprehensive design theme and set forth size, location, illumination, materials, and other design requirements for all signs.
 2. With such a comprehensive sign program, a shopping center or mixed-use office complex may be eligible for "bonus" sign area greater than allowed under overall sign area permitted by Section 17.36.650, "Total square footage—Commercial zone," (or other sign size restrictions defined elsewhere in the Merced Municipal Code) if the following criteria are met. Items "a" and "b" below may be combined for a "bonus" of no more than seventy (70) percent:
 - a. A "bonus" of up to thirty (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 sixty (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 fifty (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 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 fifty (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.

(Ord. No. 2508, § 8, 12-2-2019)

17.36.670 - Directory signs.

- A. Directory signs shall be limited to no more than one (1) twelve-square foot sign for each driveway entrance to a building or office complex and one (1) 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.

(Ord. No. 2508, § 8, 12-2-2019)

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.

(Ord. No. 2508, § 8, 12-2-2019)

17.36.690 - Electronic time/temperature—Use permit.

A building wall or fascia sign not exceeding six (6) square feet per face that displays the time and/or temperature by electronic means may be allowed on property zoned commercial or zoned P-D (Planned Development) with commercial uses.

(Ord. No. 2508, § 8, 12-2-2019)

17.36.700 - Barber poles.

Barber poles shall not exceed two and one-half (2½) feet in length and shall be wall-mounted to the business being identified.

(Ord. No. 2508, § 8, 12-2-2019)

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 (1) square foot in area.

(Ord. No. 2508, § 8, 12-2-2019)

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 (80) square feet and the sign is not over fourteen (14) feet in height;
- C. The sign is located at least five (5) feet inside the property line;
- D. The sign is not directly illuminated;
- E. The sign is removed within six (6) months after completion of construction, or within two (2) years from the time construction of the development begins, whichever is less, except that said period may be extended by conditional use permit.

(Ord. No. 2508, § 8, 12-2-2019)

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 (32) square feet if the property is less than one (1) acre, nor more than thirty-two (32) feet per frontage if the property is one (1) acre or more;
- B. Only one (1) sign per frontage shall be allowed;
- C. The height of any sign shall not exceed eight (8) feet;
- D. The sign(s) shall not be directly illuminated;
- E. The sign is located at least ten (10) feet inside the property line;
- F. The sign is removed within seven (7) days after substantial completion of the construction.

(Ord. No. 2508, § 8, 12-2-2019)

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 (10) square feet, and the sign is not over six (6) feet in height;
- C. The sign is not directly illuminated;
- D. The sign is removed within six (6) months after completion of construction, or within two (2) years from the time construction of the development begins, whichever is less, except that said period may be extended by conditional use permit.

(Ord. No. 2508, § 8, 12-2-2019)

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.

(Ord. No. 2508, § 8, 12-2-2019)

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

All commercial uses, industrial uses, and residential uses of over four (4) units shall install street address numbers of at least six (6) 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.

(Ord. No. 2508, § 8, 12-2-2019)

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.

(Ord. No. 2508, § 8, 12-2-2019)

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 (25) percent of the total permitted sign area. With an administrative conditional use permit, the percentage may be increased by up to fifty (50) percent of the total permitted sign area.

(Ord. No. 2508, § 8, 12-2-2019)

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 Section 20.68.020 and this chapter.
- B. In the event the director of development services is of the opinion the administrative conditional use permit application is of such magnitude as to be of special interest to the people of the city and the planning commission, he/she shall refer the request to the planning commission for hearing and decision.
- C. Appeal from the decision of the director of development services shall be to the planning commission in accordance with Section 20.68.020(G) and 20.74 (Appeals).

(Ord. No. 2508, § 8, 12-2-2019)

Article IV. - Regulations for Downtown

Footnotes:

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Editor's note— Ord. No. 2508, § 9, adopted Dec. 2, 2019, amended Art. IV in its entirety to read as herein set out. Former Art. IV, §§ 17.36.800—17.36.900, pertained to similar subject matter, and derived from Ord. 1633 § 1 (part), adopted in 1986; Ord. 1747 §§ 1, 2, adopted in 1989; Ord. 1932 § 1, adopted in 1996; Ord. 2015 § 1, adopted in 1999; Ord. 2083 § 1, adopted in 2002; Ord. 2230 §§ 2—5, adopted in 2006; and Ord. No. 2409, §§ 1, 3, 4, adopted June 17, 2013.

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 20.68 thereof shall be reviewed by the planning commission/design review commission staff as set forth in Chapter 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.

(Ord. No. 2508, § 9, 12-2-2019)

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 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 (1) 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 (2) 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 (2) off-site or one (1) on-site and one (1) 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.

(Ord. No. 2508, § 9, 12-2-2019)

17.36.820 - Vehicle sales district.

- A. The vehicle sales district includes all the design review area as defined in Chapter 20.68 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 (1) freestanding sign not to exceed two hundred (200) square feet with a maximum height of twenty-five (25) feet. The freestanding sign shall be in addition to the total square footage of signing allowed by Section 17.36.830.

(Ord. No. 2508, § 9, 12-2-2019)

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 [one] 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 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.

(Ord. No. 2508, § 9, 12-2-2019)

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 downtown area, 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.

(Ord. No. 2508, § 9, 12-2-2019)

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 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.

(Ord. No. 2508, § 9, 12-2-2019)

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.

(Ord. No. 2508, § 9, 12-2-2019)

17.36.860 - Sign maintenance.

Sign maintenance does not require review by the 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.

(Ord. No. 2508, § 9, 12-2-2019)

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 be permitted.
- 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.

(Ord. No. 2508, § 9, 12-2-2019)

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.

(Ord. No. 2508, § 9, 12-2-2019)

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.

(Ord. No. 2508, § 9, 12-2-2019)

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 two (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.

(Ord. No. 2508, § 9, 12-2-2019)

Chapter 20.62 - SIGNS

20.62.010 - Purpose.

This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs in addition to the provisions in Chapter 17.36 (Signs). The intent of these standards is to:

- A. Support economically viable businesses serving city residents, workers, and visitors.
- B. Allow for signage that identifies businesses in a fair and equitable manner.
- C. Protect and enhance the aesthetic qualities of the city.
- D. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
- E. Allow for a simple and streamlined sign permitting process.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.62.020 - Applicability.

The standards contained in this chapter apply to all signs within the City of Merced.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.62.030 - General standards.

The following general standards apply to all signs:

- A. Signs shall be appurtenant to any permitted use on the lot.
- B. All signs shall comply with Chapter 17.36 (Signs) in addition to the requirements of this chapter.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016)

20.62.040 - Specific standards by zoning district.

A. Residential Zoning Districts.

1. One (1) unlighted sign is allowed within all residential zoning districts subject to the following standards:
 - a. For signs containing only the name and title or occupation of the occupant, the sign area shall not exceed one (1) square foot. For R-4 zoning district, the sign area shall not exceed two (2) square feet.
 - b.

For signs advertising the premises for sale, lease, or rent, the sign area shall not exceed four (4) square feet. Such signs shall not be located not nearer than ten (10) feet to adjoining premises, nearer than five (5) feet to a street line, or within the public right-of-way. The sign must be parallel with the face of the building and no more than eighteen (18) inches from the face of the building.

2. For the R-MH zoning district, following additional standards apply:
 - a. No exterior advertising or sign shall be permitted except for:
 - (1) Directional signs.
 - (2) One (1) flush wall or fence-mounted sign identifying the name of the mobile home park.
 - (3) Other similar signs approved by director of development services.
 - (4) Outdoor advertising structure (e.g. billboards) shall be prohibited.
 - b. Signs shall not move or flash, and shall be indirectly lit so that the lighting is directed away from adjacent streets and residences.
 - c. Signs shall not exceed twelve (12) square feet in area and four (4) feet in height.
 - d. Signs shall be designed in harmony with parking and fencing.
 - e. Signs shall not exceed two (2) square feet in area for any social/recreational center.
 - f. Directory signs shall be allowed as follows:
 - (1) A directory sign containing a map of the total park, the location, and identification of each lot shall be provided within the fenced area and not visible from the exterior of the park.
 - (2) The directory sign shall have an appropriate size and be located near the vehicular entrance to avoid having the driver leave his/her vehicle or detour from his/her entry route.
 - (3) The directory sign shall be illuminated for night usage.
 - (4) Additional directory signs, including content, size, and location, shall be approved by the development services department when a park has more than one (1) point of access from adjoining public streets.
3. Formal Gateways. Formal gateways in districts where permitted shall conform to the following requirements unless increased by conditional use permit:
 - a. Any such gateway shall be located entirely on private property.
 - b. Construction shall be of solid maintenance-free material in accordance with City specifications.
 - c. No such gateway shall be located closer than forty (40) feet from the nearest driveway or intersecting street.

- d. The city shall incur no responsibility for present or future maintenance of such gateways.
- e. Such gateway may contain two (2) solid corrosion-resistant plaques permanently mounted thereon designating the name of the subdivision or neighborhood.
- f. No such gateway shall exceed six (6) feet in height above sidewalk or finished grade.

B. Commercial Zoning Districts.

1. For the C-O zoning district, the following standards shall pertain to all signs visible from exterior property lines.
 - a. Nameplates and other directory signs appurtenant to any permitted use are allowed.
 - b. The sign area shall not exceed four (4) square feet for each building, or four (4) square feet plus one (1) square foot per tenant for aggregated area for signs in any one (1) building.
 - c. Signs shall only be illuminated with indirect lighting.
 - d. No excessive content shall be allowed on signs other than the names, professions, location or any identification required by state or federal agencies of the occupants of any buildings on site.
 - e. An Administrative Conditional Use Permit, per Section 17.36.795 (Administrative Conditional Use Permit), is required for a single occupant sign exceeding the allowable area, but less than fifty (50) square feet per lot.
 - f. No exterior display or advertising allowed for incidental services, such as restaurants, pharmacies, and retail sales which serve occupants and patrons of the principal permitted use only.
2. The following standards shall apply to signs in the C-N and C-SC zoning districts:
 - a. Signs shall pertain only to a use conducted on the property.
 - b. Signs shall only be parallel with the wall of a neighborhood shopping center that has a 200-foot frontage.
 - c. Signs shall face the major street and any minor street.
 - d. No sign attached to a building shall project beyond the limits of the structure as shown on the architectural or engineering plan elevation of the building facing the property line abutting the street toward which the sign faces.
 - e. Sign areas shall be limited to one (1) square foot for each lineal foot of building width as shown on an elevation plan of the building.
 - f. No sign shall exceed one hundred (100) square feet, except as otherwise provided in this chapter.
 - g.

Freestanding directional and off-street parking control signs shall be located at each entrance or exit servicing off-street parking and shall not exceed four (4) square feet in area.

- h. Freestanding shopping center identification signs shall comply with the following standards:
- (1) Sign shall be erected on a neighborhood shopping center with at least a 200-foot frontage on a major or minor street.
 - (2) Signs shall be permitted adjacent to each major street or each minor street on which the shopping center has at least two hundred (200) feet of property frontage.
 - (3) The area of signs only containing the name of the shopping center shall not exceed one hundred (100) square feet per face up to two (2) faces.
 - (4) Signs with names of businesses in the shopping center are allowed an additional two (2) square feet per listing per face.
 - (5) For shopping centers with less than two hundred (200) feet of property frontage on a minor street, signs shall be limited to one (1) square foot for each lineal foot of building; provided that no sign shall exceed fifty (50) square feet.
- i. Signs pertaining to the use of the building shall comply with the following standards:
- (1) Signs shall only be erected parallel with the wall of the building most nearly facing the major street and any minor street on which a neighborhood shopping center has more than two hundred (200) feet of property frontage.
 - (2) No sign attached to the building shall project beyond the limits of the structure as shown on the architectural or engineering plan elevation of the building facing the property line abutting the street toward which the sign faces.
 - (3) The area of signs attached to the face of the building shall not exceed eighteen (18) inches from the face of the building.
 - (4) Signs perpendicular to the face of the building attached under a marquee or other similar structural permanent extension from the building shall be no greater than eight (8) inches in height and five (5) feet in length. Such signs shall be placed at least seven and one-half (7½) feet above the sidewalk level and shall not project beyond the limits of the marquee or roof.
 - (5) A sign that is on, under, or in front of the marquee shall be located not more than eighteen (18) inches from the edge of the marquee, no greater than eighteen (18) inches in height, and shall be placed at least seven and one-half (7½) feet above the sidewalk level.
 - (6) A sign is allowed at rear or side of a building if it is less than two hundred (200) feet on a minor street and at least fifty (50) feet from adjacent residential areas.

- j. Lighted signs shall conform to following regulations:
 - (1) Lighted signs with direct or reflected lighting, any part of which flashes, blinks, turns off and on or which has mechanical or electrical movement of any kind, are prohibited.
 - (2) Red, amber or green signs may not be placed in any manner conflicting with traffic signals or which, in the opinion of the traffic safety committee, may confuse or tend to confuse drivers or operators of vehicles using the streets of the city.
 - (3) Exterior signs may be illuminated until 10:00 p.m. or the end of the business day, whichever is later.
 - (4) Spotlights or other illuminating devices may not be directed toward adjacent residentially zoned property.
- k. Time and temperature signs shall be allowed upon approval of a conditional use permit.
 - (1) Only the words or abbreviation of "time" and "temperature," and the electronically controlled figures indicating time and temperature shall be allowed.
 - (2) The area of the sign shall not exceed twenty-four (24) square feet per face.
- 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 five hundred (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 two hundred (200) square feet, unless the planning commission approves a conditional use permit for up to five hundred (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 ten (10) acres or larger anywhere in the city limits are eligible for the adoption of a comprehensive sign program per the provisions of Section 17.36.667(L) through the approval of a conditional use permit by the planning commission.
 - d. In addition, traffic safety committee approval is required for signs moving or containing flashing lights that might be mistaken for traffic control.
- 4. In the B-P zoning district, the total sign area of the sign shall not exceed one and one-half (1-½) square feet for each lineal foot of frontage of the property on which the use is located.
- C. Industrial Zoning Districts. All signs within an industrial zoning district shall comply with the following standards:
 - 1. Signs shall be appurtenant to any permitted use on the property
 - 2. The total sign area shall not exceed five hundred (500) square feet per lot, except as otherwise provided in this title.

3. For the I-L zoning district, signs shall not exceed one (1) square foot for each lineal foot of frontage of the property on which the sign is located.
4. For the I-H zoning district, a conditional use permit is required for signs in excess of the allowable limit but not to exceed an additional five hundred (500) square feet of sign area per lot.

D. Standards for Other Zoning Districts.

1. In the P-PK zoning district, the total sign area shall not exceed five hundred (500) square feet per lot.
2. In the A-G zoning district, signs shall comply with the following standards:
 - a. One (1) unlighted single-faced or double-faced sign shall be permitted.
 - b. Signs shall not exceed six (6) square feet in area per face.
 - c. Signs shall pertain only to the sale, lease or hire of the premises, or products from the premises.
 - d. Signs may be able to advertise products produced upon the premises but they shall not be located any nearer than twenty (20) feet to adjoining premises or any nearer than ten (10) feet to a street line.
 - e. One (1) sign containing only the name and title or occupation of the occupant shall be allowed. Such signs shall not exceed two (2) square feet in area and shall be located no less than twenty (20) feet from adjoining premises or ten (10) feet from a street line.

E. Standards for Planned Development Zoning Districts. For neighborhood shopping centers (i.e. shopping center where a supermarket is a major tenant) in planned development zones, sign regulations shall not be less restrictive than those established for the C-N zoning district.

(Ord. No. 2465, § 2(Exhs. A., B.), 9-19-2016; Ord. No. 2508, § 1, 12-2-2019)

20.62.050 - Specific standards by use.

A. Service Stations, Public Garages, and Parking Lots.

1. Only one (1) temporary or portable sign shall be permitted on the premises.
2. Signs shall not exceed six (6) square feet in area.
3. Advertising of any product, service, or use other than the principal product, service, and use of the premises is prohibited, unless the advertising is otherwise permitted as a principal use in the district in which the use is located.
4. Beacons, pennants, flags or other attention-getting devices are prohibited.

B. Home Occupation and Commercial Use of Historic Buildings

1. Signs shall not exceed one (1) square foot in area.
2. Signs may only display name and occupation or profession of the occupant.

3. Signs shall be only illuminated by non-flashing, non-scintillating reflected light.

C. Nonconforming Parcels, Uses, and Structures.

1. All nonconforming signs, billboards, or commercial advertising structures may be continued for a period of five (5) years after the date of enactment of this title. The nonconforming signs shall be either changed to conform to appropriate sign regulations or be removed at the end of this period.
2. With a conditional use permit, signs may be attached to a nonconforming use of a structure, with the same regulations that apply to the C-N zoning district.