



Merced Sign Ordinance Update

City Council Hearing

October 2, 2023



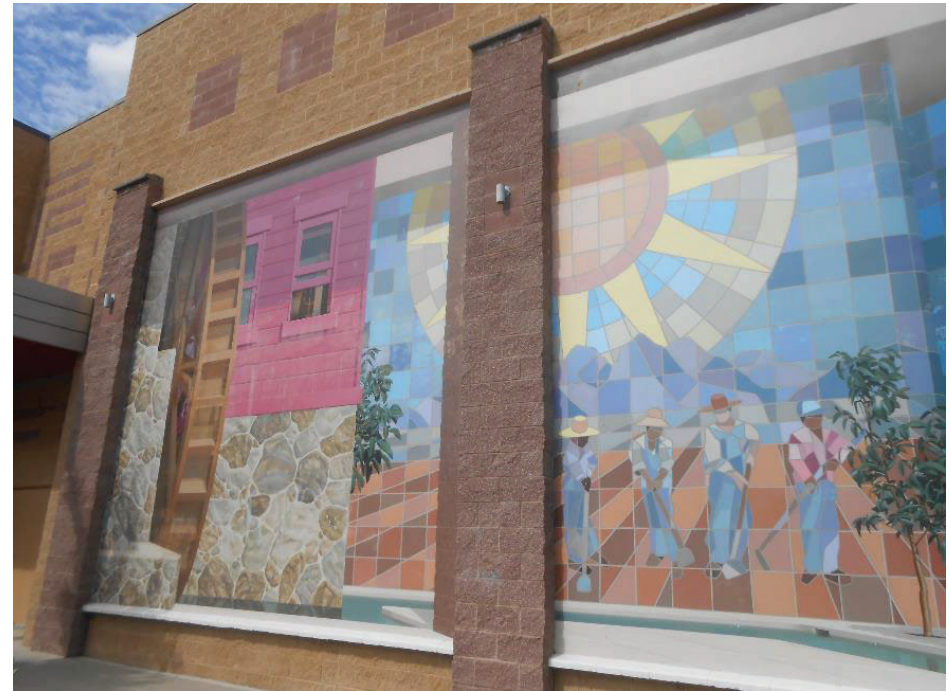
Our Goal for Merced's Updated Sign Ordinance

A good Sign Ordinance is:

- Objective
- Easy to interpret
- Concise

The current Sign Ordinance is confusing and difficult to interpret.

We have attempted to write a new Ordinance that meets legal requirements for the protection of free speech and sets clear, understandable standards.





What is a Sign Ordinance, and Why Do We Need One?

A Sign Ordinance establishes a comprehensive and balanced system of sign regulation that facilitates communication and serves the public by protecting safety and preserving community aesthetics.

- A sign's location, size, and design can significantly impact the community.
- Signs left unchecked can be distracting and dangerous, impeding their original intent, which is effective communication with a community.

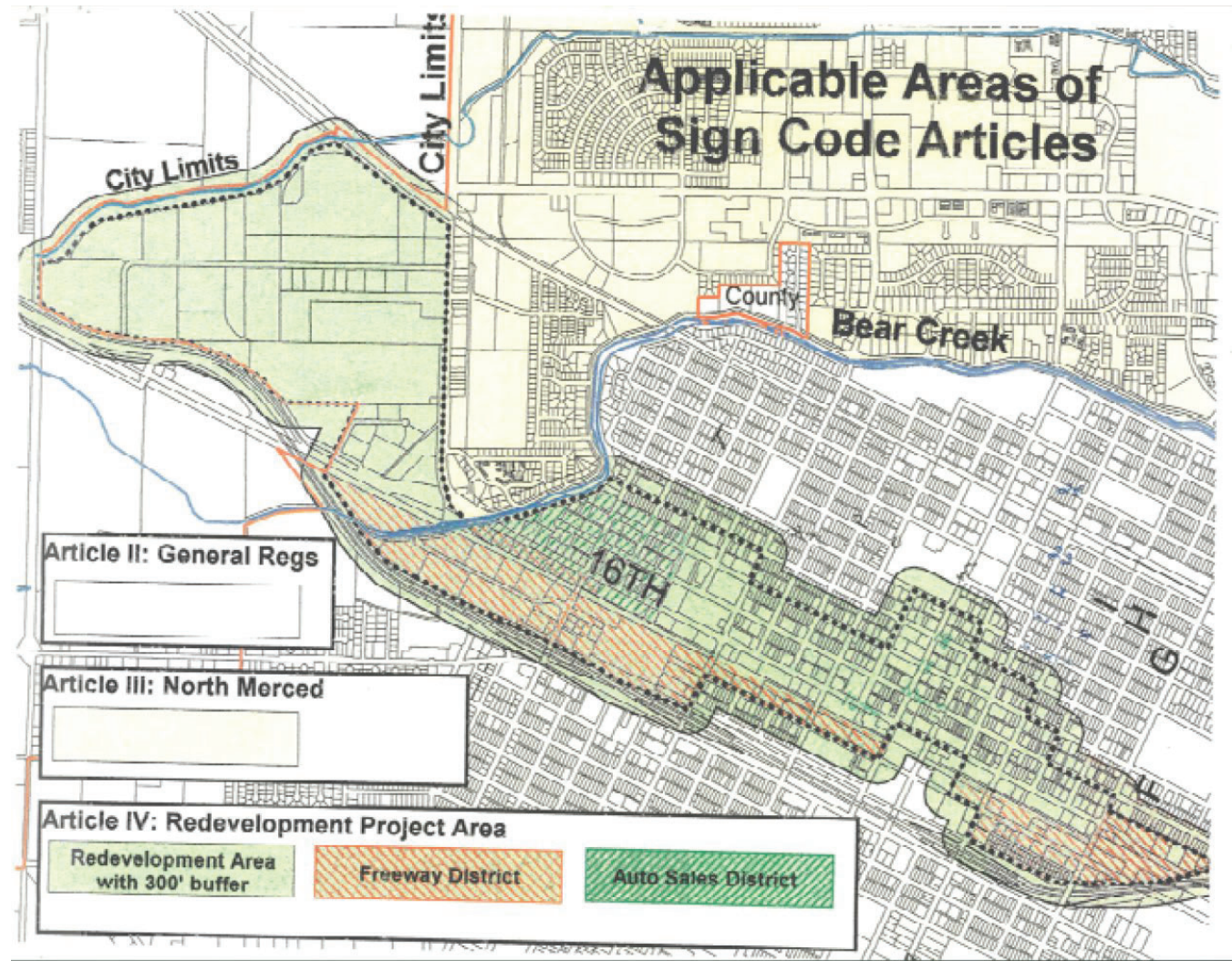
Current Sign Ordinance

Regulations for different areas

- North Merced, Downtown, "General Regulations"

Examples of topics addressed in the current Sign Ordinance:

- Monument signs, political signs, instructional signs, directory signs, and for-sale signs



The Supreme Court Weighs In

REED V. TOWN OF GILBERT *9-0 decision*
U.S. Supreme Court, June 18, 2015
135 S. Ct. 2218, 192 L.Ed.2d 236, 83 USLW 4444

- Sign Ordinances must not violate the provisions of the First Amendment's Free Speech clause.
- Governments cannot regulate the content of speech, including signs that contain speech, but they can regulate the time, place, and manner of that speech.
- If you must read the sign in order to determine how to regulate it, then the regulation is probably content-based.



So, What CAN Be Regulated?

“...here are some rules that would not be content based:

- Rules regulating the size of signs.
- Rules regulating the locations in which signs may be placed. These rules may distinguish between freestanding signs and those attached to buildings.
- Rules distinguishing between lighted and unlighted signs.
- Rules distinguishing between signs with fixed messages and signs with messages that change.
- Rules that distinguish between the placement of signs on private and public property.
- Rules distinguishing between the placement of signs on commercial and residential property.
- Rules distinguishing between on-premises and off-premises signs.
- Rules restricting the total number of signs allowed per mile of roadway.
- Rules imposing time restrictions on signs advertising a one-time event.”

- *From Justice Alito's concurrence*



Supreme Court in 2015

Proposed NEW Sign Ordinance

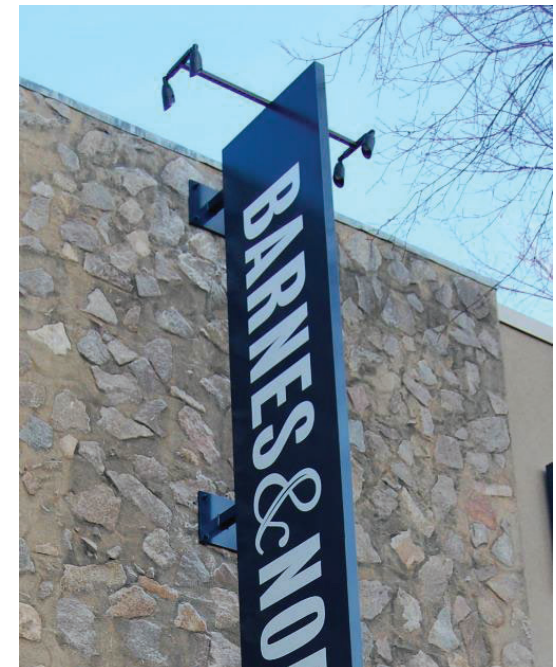
New way of structuring a Sign Ordinance without inadvertently writing content-based regulations.

- Signs can be categorized into four main types:
 - Permanent building signs
 - Permanent freestanding signs
 - Temporary building signs
 - Temporary freestanding signs

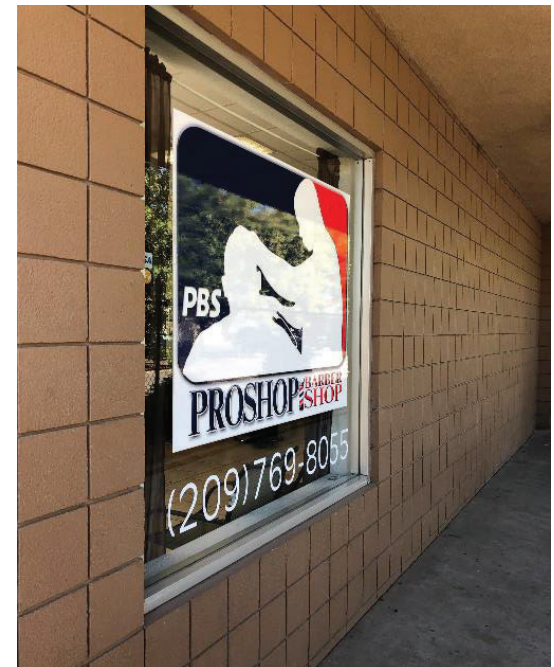
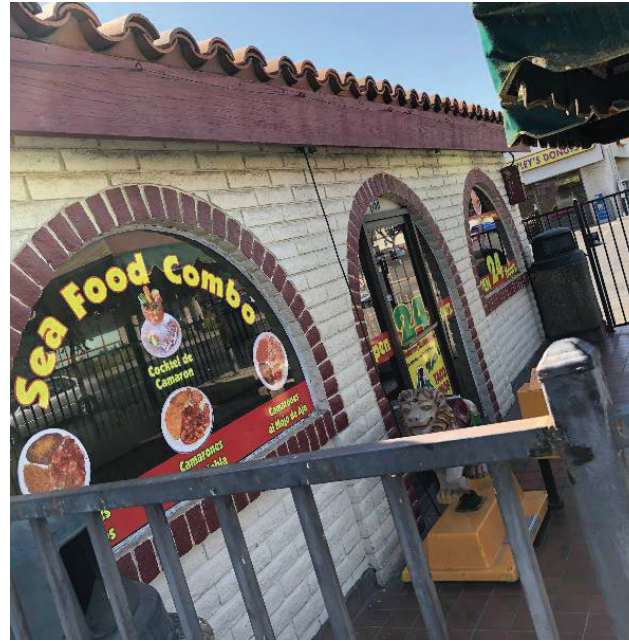


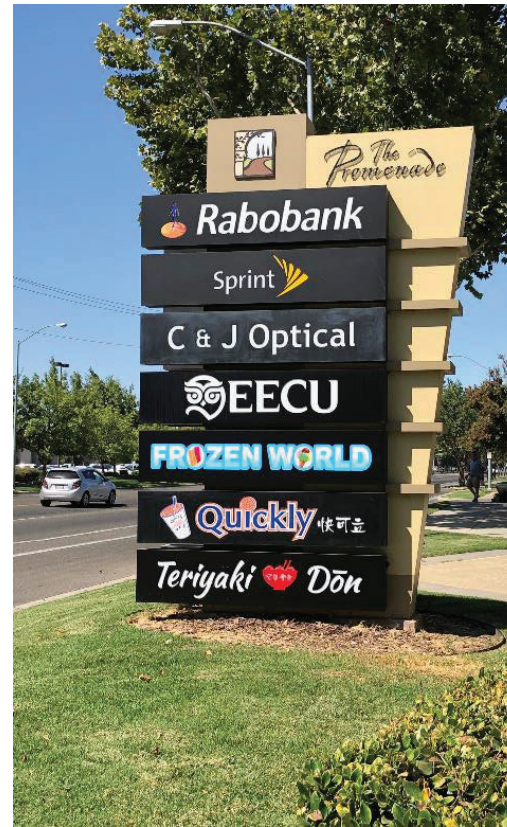
Each type or subtype of sign can then be separately regulated by **quantity, size, shape, type of illumination, and location** (i.e., zone district or on-site/off-site) without having to read the sign or know the topic or intent of its message.

1 Permanent Building Signs



2 Temporary Building Signs





3 Permanent Freestanding Signs



4 Temporary Freestanding Signs

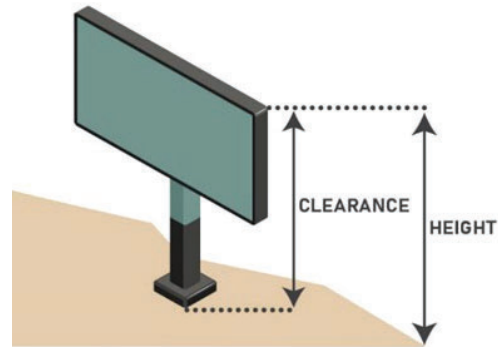
Tables with Sign Standards Based on Zoning and Type of Sign

Table 20.62.100-4
Sign Standards for Commercial and Office Uses in General Commercial, Neighborhood Commercial, Shopping Center Commercial, Thoroughfare Commercial, Village Commercial, and Planned Development Zones

Use	Type of Sign	Number of Signs	Maximum Size of Sign Face	Maximum Sign Placement	Type of Illumination
Applicable zone districts: General Commercial, Neighborhood Commercial, Shopping Center Commercial, Thoroughfare Commercial, Village Commercial, and Planned Development					
Commercial and office uses	Permanent Building Sign	No maximum number. New can or cabinet signs are not allowed as a sign type.	1 square foot per 1 lineal foot on the main building frontage up to a maximum of 350 square feet, and 1/2 square feet per 1 lineal foot on other allowed building frontages up to a maximum of 100 square feet	2 feet below height of building	External & internal illumination allowed in accordance with section 20.62.160
	Permanent Freestanding Sign for Individual Businesses. See note below.	1 per each street frontage longer than 25 feet. The sign must be a monument sign, except within the Old 99 and Freeway Overlay Districts.	40 square feet per face.	8 feet except no higher than 4 feet unless it is outside the Corner Vision Triangle Area	External & internal illumination allowed in accordance with section 20.62.160
	Temporary Building Sign	1 for each business establishment or separate use with an exterior building wall	16 feet per sign	2 feet below bottom of roofline or parapet	External illumination allowed in accordance with section 20.62.160
	Temporary Freestanding Sign	1 for each business establishment or separate use with an exterior building wall; if there are more than 4 businesses on the site, then 1 additional sign for every street frontage	4 square feet for each separate business; 32 square feet for the 1 additional sign for each street frontage	3 feet high for each separate business sign; 8 feet for the 1 additional sign for each street frontage	External illumination allowed in accordance with section 20.62.160

Descriptions on How to Measure and Calculate the Size of Signs

FREE STANDING SIGN



SIGN AREA

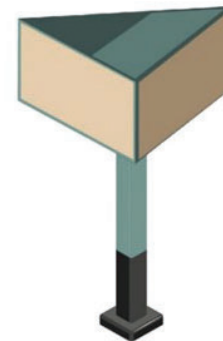


TWO FACED SIGN



- SIGN ON BOTH SIDES
- CALCULATE ONE SIDE

THREE FACED SIGN



- SIGN AREA CALCULATED AS THE SUM OF THE LARGEST AND SMALLEST FACE

Definitions to Help With Interpretation

"Can or cabinet sign" means a sign that contains all the text and/or logo symbols within a single enclosed box-shaped cabinet where the translucent face of the sign can be interchanged to change the sign message without having to remodel the cabinet. It is mounted to a wall or other surface and illuminated from within the cabinet.

"Changeable copy, electronic" or "electronic changeable copy sign" means the display of a message that can change by means of electronic lights, light emitting diodes, video screens, or other illuminated electronic or electric format.

"Changeable copy, manual" or "manual changeable copy sign" means the display of a message that can change by manually arranging and attaching individual letters, numbers, or symbols.

"Electronic digital display sign" means a sign that displays images with or without a message through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other similar electronic media that may be changed remotely through electronic means.

"Erect" means and includes erect, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, maintain, and display.

"Externally illuminated sign" means a sign which has light cast on its surface from an artificial exterior source installed for the purpose of illuminating the sign.



Modified Standards in Overlay Districts

Figure 20.62.110-1
Old 99 Overlay District Boundary

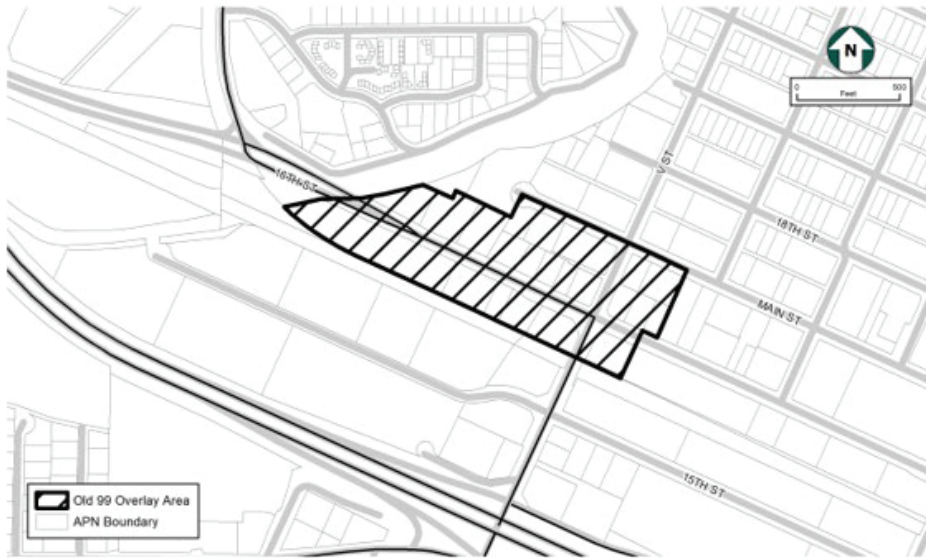


Figure 20.62.120-1
Downtown Overlay District Boundary



Modified Standards in Overlay Districts

Figure 20.62.130-1
Freeway Overlay District Boundary – Part 1

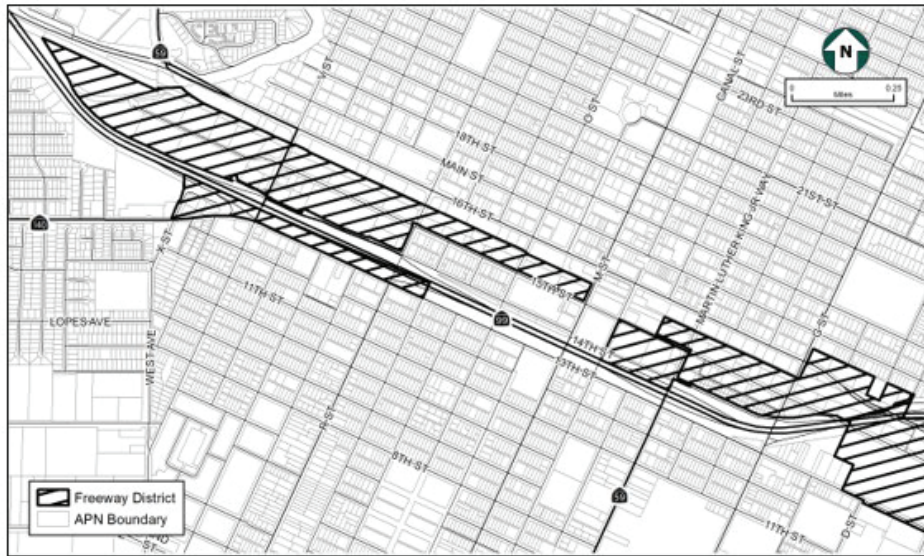


Figure 20.62.130-2
Freeway Overlay District – Part 2



Special Standards for:

- Shopping center signs
- Signs in windows
- Signs in the public right of way
- Master Sign Programs
- Temporary signs for residential subdivisions
- Historic signs
- Manual and electronic changeable copy signs
- Flags and search lights
- Wall murals
- Billboards
- Hazardous, abandoned, and illegal signs



Existing Signs That May Not Meet the New Code

The signs already in place will be “grandfathered” into the new sign standards, i.e., considered legal non-conforming.

However, any significant changes made to signs already in place must comply with the new Sign Ordinance.

If you already have a non-conforming sign, you get to keep it.

Questions ...

