

Mt. Shasta Special Planning Commission Meeting Agenda

City Park Upper Lodge 1315 Nixon Rd.
Mt. Shasta Tuesday, December 5, 2017; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Page	Item	STANDING AGENDA ITEMS
		1. Call to Order and Flag Salute
		2. Roll call
		<p>3. Public Comment: Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however, the Commission may limit public comment on matters that are outside of its jurisdiction. The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.</p>
PG 3		<p>4. Meeting Minutes a. Approval of Minutes: Planning Commission Regular Meeting Minutes for Tuesday, October 17, 2017</p>
PG 6		<p>5. Street Graphics Ordinance Amendment <u>Background:</u> The Planning Commission has been reviewing a proposed street graphic amendment to the current sign ordinance. Information from businesses owners and proposed allowed zoning will be presented for comment. <u>Commission Action:</u> Recommend direction to City Staff.</p>
		<p>6. General Plan Outreach Plan: Phase 2 <u>Background:</u> The 2045 General Plan process was initiated in October. The initial outreach plan has succeeded with organizations but struggling with public interest. Outreach Phase 2 is a discussion on additional education outreach. <u>Commission Action:</u> Discuss second phase of outreach pertaining to education, gathering information, and public engagement.</p>

	<p>7. Commission and Staff Comments</p>
	<p>8. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.</p> <ul style="list-style-type: none"> a. Riccomini Parcel Map and Rezoning – 1/16/2018 b. Special Event Permits – 2/20/2018 c. Lighting Ordinance – 4/17/2018
	<p>9. Adjourn – Next meeting scheduled for Tuesday, January 16, 2017, at 6:00pm</p> <p>Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.</p> <p>The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.</p>

Any writings or documents provided to a majority of the Planning Commission after distribution of the meeting Agenda Packet regarding any open session item on this agenda will be made available for public inspection during normal business hours within the binder entitled “Agenda Packet for Front Counter” located at City Hall at the desk on the right-hand side inside the front door.

Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk’s office together with the appeal fee. If you challenge the environmental review of the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.

Mt. Shasta Special Planning Commission DRAFT Meeting Minutes

City Park Upper Lodge 1315 Nixon Rd.

Mt. Shasta, CA

Tuesday, September 19, 2017; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Page	Item	STANDING AGENDA ITEMS
	1. Call to Order and Flag Salute	Chair Higuera called to order at 6:01PM
	2. Roll call	<p>Present:, Chair Higuera and Commissioners Kirby, Beck, and Findling</p> <p>Absent: Commissioners Pardee, Acord, and Saryon</p>
	3. Public Comment:	None
	4. Meeting Minutes	<p>a. Approval of Minutes: Planning Commission Regular Meeting Minutes for Tuesday, September 19, 2017</p> <p>COMMISSION ACTION: Moved to approve September 19, 2017 Meeting Minutes as submitted</p> <p>MOTION TO APPROVE: Commissioner Findling</p> <p>SECOND: Commissioner Beck</p> <p>AYES: Chair Higuera and Commissioners Kirby, Beck, and Findling</p> <p>NOES: None</p> <p>ABSTAIN: None</p> <p>ABSENT: Commissioners Pardee, Acord, and Saryon</p> <p>b. Approval of Minutes: Planning Commission Special Meeting Minutes for Tuesday, October 3, 2017</p> <p>COMMISSION ACTION: Moved to approve October 3, 2017 Meeting Minutes as submitted</p> <p>MOTION TO APPROVE: Commissioner Kirby</p> <p>SECOND: Commissioner Findling</p> <p>AYES: Chair Higuera and Commissioners Kirby, Beck, and Findling</p> <p>NOES: None</p> <p>ABSTAIN: None</p> <p>ABSENT: Commissioners Pardee, Acord, and Saryon</p>

	<p>5. Street Graphics Ordinance Amendments</p> <p>Juliana Lucchesi, City Planner: Presentation of staff report on Street Graphic proposed ordinance.</p> <p>Questions concerning setbacks, sign height, and calculating allowable graphic area.</p> <p><u>Public Comment:</u> Pam Nerona: Discussion and question on including other city committee discussion and Chamber of Commerce discussion on the proposed ordinance</p> <p><u>Public Comment Closed</u></p> <p>Discussion on presentation to Open for Business group and possibly Chamber of Commerce. Planning Commission request for visuals for future meeting to consider.</p>
	<p>6. Discussion on November and December Planning Commission Meetings</p> <p>Juliana Lucchesi, City Planner: Discussion on next two Planning Commission meetings being scheduled close to holidays.</p> <p>Discussion on possible Special meeting in early December.</p> <p>Commission agrees to poll over email and proper scheduling.</p>
	<p>7. Commission and Staff Comments –</p> <p>City Planner: Discussion on results of Cannabis ordinances</p> <p>City Planner: Discussion on upcoming workshops and training</p>
	<p>12. Future Agenda Items – Future items are topics brought to the Planning Commission from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.</p> <ul style="list-style-type: none"> a. Special Event Permits – 12/19/2017 b. Lighting Ordinance – 2/20/2018

13. Adjourn – Adjourned at 7:30 PM

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Planning Commission Agenda Item # 5
Staff Report

Meeting Date: December 5, 2017
To: Planning Commission
From: City Planner
Subject: Street Graphic Ordinance

<input checked="" type="checkbox"/>	Regular
<input type="checkbox"/>	Consent
<input type="checkbox"/>	Closed
<input type="checkbox"/>	Presentation

Recommendation:

Give City Staff direction on the proposed ordinance.

Background:

The Planning Commission has been in the process of reviewing and new Street Graphic Ordinance to replace the current sign ordinance (Attachment 1).

The City of Mt. Shasta utilizes Chapter 8 of the Municipal Code to regulate signage in the City Limits. Signage, also referred to as street graphics, are tools to help identify places of interest. Places of interest can include businesses, public buildings, and special destinations within a city. Effective street graphic regulation allows for the expression of unique places within a city, controls overcrowding of messages that may distract drivers, and indexes the built environment of a city.

The American Planning Association has recently published *Street Graphics and The Law: Fourth Edition* report which outlines the changes in street graphic regulation. The report outlines a number of court cases and findings to help create an effective sign ordinance through the street graphic concept and system.

Street graphics systems focus on the allowable land uses for signage in the existing sign ordinance, design of sign in terms of size and manner, and balancing the built environment and signage to effectively communicate the intended message. The report recommends five criteria for evaluating street graphics for assessing effectiveness:

1. Is the street graphic expressive of the identity of the business?
2. Is the street graphic appropriate for the business it identifies?
3. Is the street graphic compatible with the visual character of the surrounding area?

4. Is the street graphic legible under the circumstances in which it is seen?
5. Is the street graphic likely to distract drivers to a dangerous degree?

The five criteria of a street graphic system can be adapted or fully integrated as required findings of a future sign ordinance.

In addition to questioning the effectiveness of a street graphic, the City of Mt. Shasta can continue to use a sign zone system. The current system designates two sign zones for signage. Special sign districts help cities ensure the character of the signage matches the character of the neighborhood in which it is placed.

Street Graphic Types

Street Graphics can be separated into two main types; freestanding ground graphics and graphics attached to buildings (Attachment 1). Within each of those two main categories exist subsections:

- Ground Graphics
- Wall and Roof Graphics
- Projecting Graphics
- Awnings
- Special Street Graphics

Examples of each type can help the Planning Commission determine the appropriate zones and special areas in which they can exist (Attachment 2).

Ground Graphics

Ground graphics are freestanding graphics that can be erected on poles or a base. Developments that employ ground graphics are mainly commercial or employment based properties. The APA recommends substituting projecting graphics for developments where ground graphics are not appropriate.

Wall Graphics

Wall graphics are some of the most common in downtown Mt. Shasta. Wall graphics, unlike other types of signs, become a part of the building architecture once erected. Therefore, it is important to control for the size and proportion of wall graphics as to not detract from a building's architecture.

A wall graphic size and proportion can be controlled through the regulation of Signable area. Signable area is a continuous portion of a building unbroken by doors or windows. The area is calculated by selecting a continuous façade free of architectural details, then drawing an imaginary rectangle within the specified height limitations and computing the square footage of this area.

The maximum size of the wall graphic display is then determined by applying the appropriate percentage of signable area as specified in the ordinance. Multiple graphics can be placed on one wall but cannot exceed the signable area percentage.

Different rules should be included for walls with no windows or doors. A percentage based on the full square footage should be determined to prevent extra-large graphics.

In addition to signable area the following recommendations should be considered for wall graphics:

1. If a wall graphic consists of a boxed display, the total area of the display including both copy and background must be no greater than the maximum percentage of the signable area allowed.
2. If a wall graphic consists of individual cutout letters, only the total area of the imaginary rectangles contiguous to and surrounding each letter is assessed against the signable area.
3. No wall graphic may violate the architecture of the building to which it is attached. For example, boxed graphics should not cut across columns.
4. The height of boxed graphics or individual cutout letters placed in the space between windows should not exceed two-thirds the distance between the top of the lower window and the sill of the upper window.

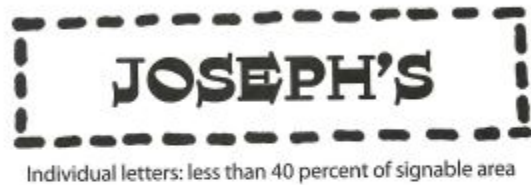
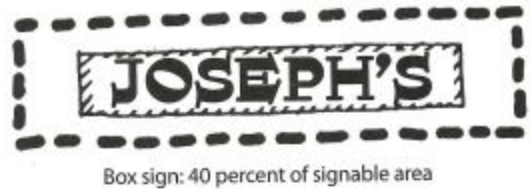


Figure 5.2. Signable area



Figure 5.3. Graphics compatible with architectural detail

The lettering height of wall graphics should also be considered.

Roof Graphics

Roof graphics are normally meant to be read from afar. If a roof graphic is less than 20 feet from the ground and positioned below the peak of the roof, then they operate the same as wall graphics. Roof graphics above 20 feet from the ground and above the peak of the building should only be considered where fast traffic speeds are greater than 40 miles per hour. Roof graphics

near slower speed roads may distract drivers and impeded pristine views. The size of roof graphics should be the same as wall graphics. Roof graphics above the peak of a building should not be considered.

Projecting Graphics

Projecting graphics, including awnings, can be attractive additions to downtowns and shopping centers. Projecting graphics appeal the most to pedestrian views. Each establishment should be allowed one projecting graphic, but the size should be significantly reduced if there are projecting graphics within 50 feet of each other. Reducing the overall size can reduce sign clutter. A sign ordinance can also prohibit the number of types of signs. For example, if a building already contains a ground graphic, then they would be ineligible for a projecting graphics. This, again, is to reduce sign clutter. Multiple types of signs can be on the premises as long as they do not exceed the signable area described in the wall graphic section of this report.

In addition to signable area and number of types of signs, the following recommendations should be considered for projecting graphics:

1. They should clear sidewalks by eight feet
2. They should project no more than four feet from the building, or one-third of the sidewalk width, whichever is less
3. They should be pinned away from the wall at least six inches, and angular projection at the corner of a building should be prohibited.
4. They should project from the wall at an angle of 90 degrees.
5. They should not extend vertically beyond the windowsill of the second story. Exceptions can be made for theater and other marquees that extend above the second story, either in the ordinance or through a conditional use permit.

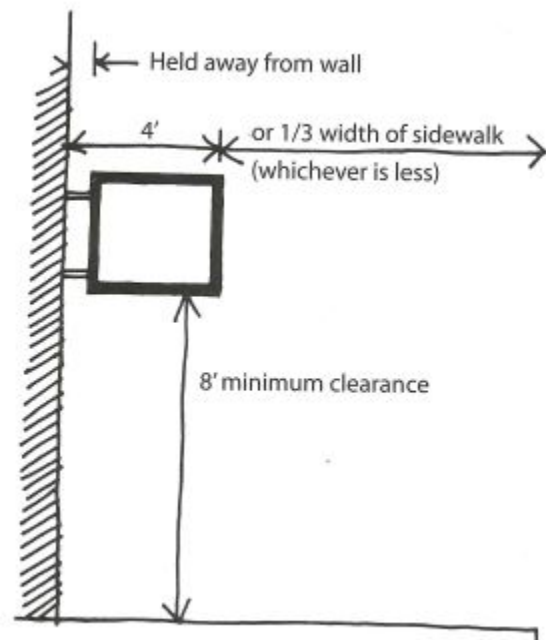


Figure 5.5. Graphics that project

6. Where possible, they should be located in the center of a storefront or establishment so that the projecting graphic does not block the view of adjacent storefronts and/or signs.

Awnings, Canopies, and Marquees

Awnings, canopies, and marquees can be used by all types of uses. Communities can regulate the lighting of graphics on these structures and how they are displayed, and the placement of these structures in relation to streets and curbs.

Special Street Graphics

A street graphic ordinance should also give attention to other secondary and special graphics that may be allowed in commercial zones. One such special graphic is window graphics.

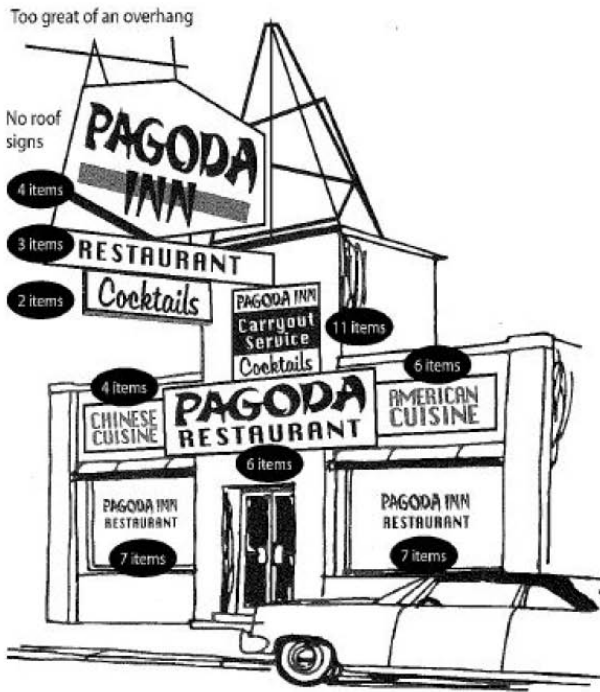
Many street graphic ordinance regulate window graphics to reduce clutter and preserve the architectural integrity of building facades. Window graphics can either be temporary or permanent. The ordinance can regulate the percentage of window that can be covered and how long the graphic can be displayed, if it is temporary. Letters under three inches in height should not be debited against the items of information allotted to an establishment if the window graphic is permanent. For example, California signage requirements for dispensaries include a small sign indicating minors are not allowed inside without a legal guardian. That type of sign would be exempt from the ordinance and not counted against the dispensary owner.

A second type of special graphic is a banner. Banners are considered a special sort of projecting graphic. They can be displayed in specially designated areas. Regulations can govern the size of banners and how long the graphic can be displayed, if temporary.

Items of Information:

Items of Information regulation determines appropriate amounts of text on buildings and in street graphics. Text, unlike symbols or logos, takes more time for an individual to process. Limiting the amount of wording can help reduce the amount of distraction to drivers and increase the overall aesthetic of a building.

An “Item of Information” can be either defined as a syllable of a word or the word itself. For example, the below restaurant signage is measured for syllables. The proposed ordinance could just count the words and limit the total amount. The Planning Commission may recommend either avenue.



Permitting:

The current permitting system creates administrative and discretionary permits. Administrative permits are accepted, reviewed, and granted through the City Planner without Planning Commission consideration. The discretionary permits are issued by the Planning Department after the Planning Commission has reviewed and granted the sign permit. The below list of permits and granting agencies is the current system:

8.18.010 Planning Department.

Sign permits for the following signs shall be issued by the Planning Department:

- (A) Flush-mounted signs.
- (B) Front awning signs.

- (C) Parking lot directional signs.
- (D) Signs designed for the purpose of directing customers to facilities on private property.
- (E) Hanging signs.
- (F) Temporary signs.
- (G) Sandwich board signs.
- (H) Any sign not requiring a building permit such as signs no greater than six feet in height and signs that have no illumination.

8.18.020 Planning Commission.

The following sign permits shall be issued by the Planning Commission:

- (A) Freestanding signs requiring a building permit.
- (B) Reverse channel, illuminated gas tubing or internally lit signs.
- (C) Applications referred to the Planning Commission by the Planning Director.

The model ordinance outlines a permitting process where every new sign permit is reviewed by the Planning Department. The ordinance allows for the Planning Commission to review and approve special areas of character, street graphics program, and the sign regulations in the ordinance. The proposed permitting would mean the City Planner follows the regulations set by the Planning Commission without presenting each permit to the commission.

Nonconforming Signs:

A nonconforming use is defined as a lawful use in existence at the time an ordinance was adopted or amended that does not comply with the ordinance. Allowing nonconforming uses to continue protects the private property owner's investment. There are a number of ways to protect private property owner while bringing nonconforming signs into conformance:

1. Expansion. If a sign is expanded it becomes subject to all laws in place at the time of expansion
2. Destruction. The right to exist does not include the right to rebuild if destroyed. A specific level of destruction must be in place and reasonable.

3. Abandonment. The right to exist expires when the use has been abandoned. A timeline should be set to determine when a use is abandoned.
4. Change in the Nature of Use. If a use changes and the sign remains there are cases where the sign can be brought into conformance.

Additionally, legal status is not given to nonconforming signs that have operated illegally. For example, if a sign was not permitted and a change to the code was made that makes it nonconforming, it can be made to become compliant because it was never legally permitted.

Amortization

Amortization is an option for jurisdictions that wish to bring all signs into compliance. Amortization is when a period of time is given to nonconforming signs to exist legally before requiring conformance. Jurisdictions can determine a fixed amortization period or require a determination of the amortization period on a case-by-case basis. It should be noted that amortization is unpopular with business and sign groups which can result in legal challenges. Thus amortization programs should be drafted fair and reasonably.

Presentation to Open for Business

A presentation was made to the Open for Business group in early November. Approximately 20 businesses owners attended. The general feedback that was received at the meeting was in favor of flexible regulations to allow businesses options for signs. There was a general consensus that the current ordinance is perceived as not giving businesses a lot of options for different types of signs.

Attachments:

I. Draft Street Graphic Ordinance

STREET GRAPHICS MODEL ORDINANCE

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- SECTION 1.01. STATEMENT OF PURPOSE
- SECTION 1.02. NONCOMMERCIAL SIGNS AND MESSAGES
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- SECTION 1.06. PROJECTING GRAPHICS
- SECTION 1.07. AWNINGS
- SECTION 1.08. SOCIAL STREET GRAPHICS
- SECTION 1.09. ILLUMINATION AND DYNAMIC ELEMENTS
- SECTION 1.10. ITEMS OF INFORMATION ALLOWANCE
- SECTION 1.11. AREAS OF SPECIAL CHARACTER
- SECTION 1.12. PROGRAMS FOR GRAPHICS
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- SECTION 1.14. STREET GRAPHICS EXEMPT
- SECTION 1.15. VARIANCES
- SECTION 1.16. NONCONFORMING STREET GRAPHICS
- SECTION 1.17. PERMITS
- SECTION 1.18. ENFORCEMENT
- SECTION 1.19. SEVERABILITY CLAUSE

SECTION 1.01. STATEMENT OF PURPOSE

The purpose of this ordinance is to create the legal framework for a comprehensive and balanced systems of street graphics. This system will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid excessive levels of visual clutter or distraction that potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of street graphics that are:

1. Compatible with their surroundings,
2. Appropriate to the activity that displays them,
3. Expressive of the identity of individual activities and the community as a whole,
4. Legible in the circumstances in which they are seen,
5. Unlikely to distract drivers to a dangerous degree, and
6. Able to preserve the right of free speech and expression

SECTION 1.02. NONCOMMERCIAL SIGNS AND MESSAGES

Any street graphic authorized to be displayed by this ordinance may contain a noncommercial message.

SECTION 1.03. DEFINITIONS

Above-roof graphic: A street graphic displayed above the peak or parapet of a building

Activity: An economic unit designated in the classification system given in the Standard Industrial Classification (SIC) Manual as published by the U.S. Department of Commerce on the date this ordinance was adopted

Architectural detail: Any projection, relief, cornice, column, change of building material, window, or door opening on any building. See also "Signable Area, Wall, and Roof Graphics".

Architectural, historic, or scenic area: An area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that street graphics displayed within the area enhance its visual character and are compatible with it

Awning: A cloth, plastic, or other nonstructural covering that is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner: A street graphic composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere.

Bare-bulb illumination: A light source that consists of light bulbs with a 20-watt maximum wattage for each bulb.

Building: A structure having a roof supported by columns or walls

Canopy: See **awning**.

Changeable Copy: Copy that changes at intervals [of more than once every six seconds]

Dynamic Element: Any characteristic of a street graphic that appears to have movement of that appears to change, caused by any method other than physically removing and replacing the street graphic face or its components, whether the apparent movement or change is in the street graphic, the street graphics structure itself, or any other component of the street graphic. This definition includes a display that incorporates a technology or method allowing the street graphic face to change the image without having to replace the street graphic face or its components physically or mechanically. This definition also includes any rotating panels, LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the street graphic face to present a series of images or displays.

External Illumination: Illumination of a sign that is affected by an artificial source of light not contained within the sign itself

Façade: The side of a building below the eaves

Façade, blank: The side of a building below the eaves that is blank and does not have windows or architectural detail

Graphic: A street graphic or special street graphic, as defined by this ordinance

Ground graphic: A street graphic supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a “pole graphic” and a “monument graphic”.

Height: The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the street graphic. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street graphic.

Indirect Illumination: A light source not seen directly

Internal Illumination: A light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface.

Item of Information: 1. A syllable of a word, an initial, a logo, an abbreviation, a number, a symbol, or a geometric shape.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

Monument Graphic: A ground graphic permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

Movement: Physical movement or revolution up or down, around, or sideways that completes a cycle of change.

Multiuse Building: A building consisting of [three] or more commercial uses

Multiple-driveway Graphic: A street graphic at the exit or entrance of a premise that has two or more driveways.

Neon Tube Illumination: A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes

Nit: A photometric unit of measurement referring to luminance. One nit is equal to one cd/m² (candela per square meter)

Nonconforming Street Graphic: A street graphic that was lawfully established or installed prior to the adoption or amendment of this ordinance and was in compliance with all of the provisions of this ordinance then in effect, but which does not presently comply with this ordinance.

Occupant: A use located in a multiuse building or shopping center

Peak: The highest point on a roof or the highest point on another architectural element that blocks the rear view of a street graphic.

Pedestrian Oriented Businesses: A business which catered specifically to pedestrians rather than automobiles. Businesses should be along public sidewalks and thoroughfares and have a high level of customer use.

Pole Graphic: A freestanding street graphic that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure

Portable Graphics: A street graphic not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

Premise: The lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building.

Projecting Graphic: A street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

Roof Graphic: A street graphic that is displayed above the eaves and under the peak of a building. See also "above-roof graphic".

Shopping Center: A commercial development under unified control consisting of [three] or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entryway or parking area

Signable Area for Projecting Graphics and Awnings: One are (1) enclosed by a box or outline or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Signable Area for Roof and Wall Graphics: An area free of architectural details on the façade of a building or part of a building, which shall include the entire area (1) enclosed by a box or outline or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Special Street Graphic: A street graphic, other than a ground, roof, or wall graphic that is regulated by Section 1.08 of this ordinance.

Street Graphic: Any structure that has a visual display visible from a public right-of-way and designed to identify, announce, direct, or inform.

Strip Plaza: A linear group of commercial uses

Structure: Anything built that requires a permanent or temporary location. This term includes a building.

Temporary Street Graphic: A street graphic intended to be displayed for a transitory or temporary period. Portable street graphics, or any street graphic not permanently embedded in the ground or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary street graphics.

Temporary Window Graphic: A window street graphic displayed for a limited period of time.

Town Center: The central business area or business district

Urban Plaza: A street intersection, square, or similar area, where a majority of the uses have a unique or singular architectural or graphic character or theme

Wall Graphic: A street graphic painted on or attached to a wall of a structure and in the same plane as the wall

Window Graphic: A street graphic applied, painted, or affixed to or in the window of a building. A window graphic may be permanent or temporary

SECTION 1.04. GROUND GRAPHICS

Where permitted. A premise may display one ground graphic on each street on which it has frontage in the following zoning districts: Employment Center (EC), General Commercial (C2), Public (P), Open Space (OS), Resource Land (RL), and Planned Development (PD).

Size, setback, and height regulations. Ground graphics must comply with the following size, setback, and height regulations: [INSERT HERE]

Shopping Centers. A shopping center may display one ground graphic at each exit and entrance. Occupants within a shopping center may not display ground graphics.

Multiuse Building. A multiuse building may have one ground graphic facing each street on which the building has frontage, if no ground graphics are displayed by the occupants of the multi-use building. The maximum size restriction for such ground graphic may be increased for such a ground graphic may be increased by up to 50 percent if three or more occupants share the same sign.

Landscaping. A landscaped area located around the base of the ground graphic equal to [two and one-half] square feet for each [square foot] of ground graphic area, is required for all ground graphics. The landscaped area shall contain living landscape material consisting of [shrubs, perennial ground cover plants, or a combination of both] placed throughout the required landscape area and having a spacing of no greater than [three] feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the ground structure is encouraged.

SECTION 1.05 WALL OR ROOF GRAPHICS

Where permitted. In the following zoning districts, a premise, and each occupant of a shopping center or multiuse building, may display wall or roof graphics, or combination of both, on walls or roofs adjacent to each street on which it has frontage: Downtown Commercial (C1), General Commercial (C2), Employment Center (EC), Public (P), Planned Development (PD).

Signable area designation. A premises displaying wall or roof graphics is allowed **one or multiple** Signable areas on each façade of the building that has frontage on a street. See definition of “Signable area” for wall and roof graphics.

Graphic display area allowed. The total area of the wall and roof graphics displayed on the premises shall not exceed the following percentage of the signable area: 60 percent of the Signable area for street frontages, 40 percent for pedestrian oriented businesses, and 30 percent for blank facades.

Letter Height. The letter height for wall graphics is as follows: [Legibility Focus]

How displayed. The graphic display area may be displayed as one wall or roof graphic, or divided among two or more wall or roof graphics.

Additional limitations. Wall graphics may be painted on or attached to or pinned away from the wall, must not interrupt architectural details. Roof graphics must not be more than [20] feet off the ground.

SECTION 1.06. PROJECTING GRAPHICS

Where permitted. A premise and each occupant of a shopping center or multiuse building that does not display a ground graphic, may display one projecting graphic on each street frontage in the following zoning districts: Downtown Commercial (C1), Public (P), and Planned-Development (PD).

Size of projecting graphics. Projecting street graphics may be no bigger than six square feet.

Signable area. A premises displaying a projecting street graphic is allowed one Signable area for each side of the projecting street graphic. The Signable area selected for display as a projecting graphic shall not exceed and shall be subtracted from the total Signable area allowed for wall and roof street graphics under Section 1.05.

Additional limitations. The following additional limitations apply to projecting graphics:

- a. Projecting graphics must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third the width of the adjacent sidewalk, whichever is less.
- b. Projecting graphics must be pinned away from the wall at least six inches and must project from the wall at an angle of 90 degrees.
- c. Angular projection from the corner of a building is prohibited
- d. Projecting signs may not be illuminated
- e. Projecting signs may be externally lit by only downward directed and shielded fixtures and incandescent bulbs.

SECTION 1.07. AWNINGS

Where permitted. A premise and each occupant of a shopping center or multiuse building may display an awning on each street frontage in the following zoning districts: Downtown Commercial (C1), and General Commercial (C2).

Graphics allowed. One street graphic may be displayed on each awning. It shall not exceed 40 percent of the area of the principal face of the awning, and it shall not exceed and shall be subtracted from the total Signable area allowed for wall and roof street graphics under Section 1.05. A street graphic:

- a. Shall not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located, or beyond the edges of the awning on which it is displayed.
- b. Shall not extend horizontally a distance greater than sixty percent of the width of the awning on which it is displayed.

Height and width. Awnings shall clear sidewalks by at least eight feet. Awnings may be non-illuminated or externally illuminated only by down directed and shielded fixtures and incandescent bulbs.

SECTION 1.08. SPECIAL STREET GRAPHICS

Window graphics. A premise, or an occupant of a shopping center or multiuse building, may display permanent window graphics not to exceed 20 percent of the window area of the façade of the building and may display temporary window graphics not to exceed an additional 15 percent of the façade of the building for no more than 30 days during any 12 consecutive calendar months.

Multiple driveway graphics. A premise with multiple driveways, or an occupant of a multiuse building on a premise with multiple driveways, may display one multiple-driveway graphic at each entrance or exit. A multiple-driveway graphic may not be more than two square feet on two-lane streets and on any highway with a posted travel speed under 35 miles per hour, and not more than four square feet on multilane roads and on any highway with a posted travel speed over 35 miles per hour.

SECTION 1.09. ILLUMINATED AND DYNAMIC ELEMENTS

Dynamic elements. Dynamic elements on street graphics are allowed subject to the following conditions in this section. Dynamic elements are allowed only on monument graphics and pole graphics.

1. Only one contiguous dynamic element is allowed on a street graphic face.
2. A dynamic element may not change or move more often than once every [20 minutes], except on for which changes are necessary to correct hour-and-minute, date or temperature information. Time, date, or temperature information is considered on dynamic display and may not be included as a component of any other dynamic display.
3. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without special effects.
4. Dynamic elements must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

Illumination prohibited. A street graphic shall not have exposed neon tube, animated, flashing, or changeable illumination.

Illumination requirements. All permanent street graphics may be non-illuminated, or internal indirect (halo), or they may be lit by external indirect illumination. Consistency with state and other MSMC codes is required. Externally lit signs shall be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign.

1. **Brightness:** No street graphic may be brighter than is necessary for clear and adequate visibility, and no sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle, and no sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal
2. **Ambient conditions adjustment:** All street graphics installed after the ratification of this ordinance that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
3. **Malfunions in dynamic elements or illumination:** Dynamic elements and illumination elements must also be equipped with a means to discontinue the element immediately if it malfunctions. The owner of a street graphic with a dynamic element or illumination element must immediately stop the element's operation when notified by the City.

Glare. Any lighting fixture on a street graphic that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way, except as permitted by this ordinance, shall be (a) aimed away from the property line, residential use, or zoning district, or public right-of-way; (b) classified as an Illuminating Engineering Society ES Type III or Type IV lighting fixture; and (c) shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

SECTION 1.10. ITEMS OF INFORMATION ALLOWANCE

Each street graphic displayed on a premise, or by an occupant of a shopping center or multiuse building, may contain up to 10 items of information.

Exclusions. The following do not count as items of information:

- a. Letters three inches or less in height
- b. Letters carved into or securely attached to a building in such a way that they are not illuminated apart from the building, are not made of a reflecting material, do not contrast sharply in color with the building, and do not exceed two inches in thickness.
- c. Changeable copy

There may be situations where the allowance for items of information in the ordinance is not adequate. Street graphics authorized in a Program for Graphics are exempt from the items of information allowance, as are street graphics authorized by regulations adopted for Areas of Special Character or by a plan for such areas.

SECTION 1.11. AREAS OF SPECIAL CHARACTER

Designation. This ordinance cannot adequately regulate all street graphics in an area as diverse as the City of Mt. Shasta. The City of Mt. Shasta City Council by ordinance and after

notice and hearing may therefore designate a contiguous area as a an Area of Special Character if it contains unique architectural, historic, scenic, or visual features that require special regulations so that street graphics will enhance its character. Areas of Special Character may include but are not limited to:

- a. Architecturally significant, historic, and scenic areas
- b. Commercial strips and shopping centers
- c. City or town centers and urban plazas

Zoning map. The City of Mt. Shasta shall maintain and continually revise a zoning map of the City of Mt. Shasta on which the City shall indicate the boundaries of all designated Areas of Special Characters

Special regulations. The City of Mt. Shasta shall adopt special regulation for street graphics in Areas of Special Character which shall be consistent with the character of the Area of Special Character.

Effect of special regulations. Special regulations for Areas of Special Character shall supersede and may be either more or less restrictive than the regulations for street graphics contained in this ordinance.

Street Graphics Plans for Areas of Special Character

1. The planning commission may approve a street graphics plan for an Area of Special Character
2. The street graphics plan shall contain visual representations of the lettering, illumination, color, area, and height of street graphics. It may also indicate the areas and building where they may be placed and located. The street graphics plan may also contain special regulations authorizing the display of street graphics in the Area of Special Character. The special regulations may incorporate by reference the visual representation of street graphics in the street graphics plan.
3. The planning commission may approve a street graphics plan if the street graphics illustrated in the plan and authorized by any special regulations included in the plan are consistent with the purposes of this ordinance and the character of the Areas of Special Character. An approved street graphics plan shall supersede and may be either more or less restrictive than the regulations contained in this ordinance.

Program for Street Graphics. The City of Mt. Shasta may approve a Program of Graphics in an Area of Special Character designated under Section 1.12.

SECTION 1.12. PROGRAMS FOR GRAPHICS

Statement of Purpose. A Program for Graphics is a written and visual statement that provides for the creative design of street graphics, and that integrates this design with the design of the building on which the street graphics will be displayed, with surrounding buildings, and with the surrounding area.

When allowed. The owners of one or more adjacent premises, or one or more occupants of a shopping center or multiuse building may submit a Program for Graphics to the Planning Commission that need not comply with the requirements of this ordinance.

What a Program for Graphics must contain. The Program for Graphics shall contain a visual representation of the lettering, coloring, size, illumination, height, placement, and location of the street graphics proposed for display. It shall also contain a textual statement of the requirements that apply to the street graphics included in the program that may incorporate by reference the visual representation of street graphics in the street graphics plan.

Criteria for approval. The Planning Commission may approve a Program for Graphics if it finds, after notice and hearing, that the Program for Graphics:

1. Is consistent with the Statement of Purpose of the ordinance; and
2. Meets the following design criteria:
 - a. Design quality. The sign shall:
 - i. Constitute a creative and substantial aesthetic improvement to the site, and shall have a positive visual impact on the surrounding area;
 - ii. Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - iii. Provide strong and imaginative graphic character
 - b. Architectural criteria. The sign shall:
 - i. Be appropriately related in form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering to the function and architectural character of the building or premise on which they will be displayed; and
 - ii. Be placed in a logical location in relation to the overall composition of the building's façade and not cover any architectural features or details of the façade

Factors to consider. When deciding whether a Program for Graphics meets the design criteria included in this subsection, the Planning Commission shall consider the form, proportion, scale, materials, surface treatment, overall sign size, and the size and style of the lettering of the street graphics included in the Program for Graphics.

Effect of approved Program for Graphics. An approved Program for Graphics shall supersede and may be either more or less restrictive than the requirements in this ordinance for street graphics included in the program.

Register. The City of Mt. Shasta shall maintain and continually revise a register in which the City of Mt. Shasta shall record all approved Programs for Graphics.

Graphics plans. As an alternative to Programs for Graphics, the ordinance can contain a provision for Graphics Plans. These described in Section 1.11.

Design guidelines. Some communities have adopted design guidelines for street graphics that are not part of the street graphics ordinance, but supplement the ordinance and provide guidance in the administration of the design programs like Programs for Graphics. Guidelines can include illustrations. The adoption of guidelines, though not part of the ordinance, should help support the design review process against objections that it is a prior restraint on free speech.

Display of street graphics. A premise or occupancy for which the Program for Graphics has been approved by the Planning Commission may only display street graphics that comply with

the approved program, which shall supersede and replace the regulations for street graphics in his ordinance.

SECTION 1.13 STREET GRAPHICS PROHIBITED

The following street graphics are prohibited:

1. Street graphics attached to light poles or standards
2. Above-roof graphics
3. New billboards

SECTION 1.14 PORTABLE GRAPHICS

A premise, or occupant of a multiuse building may apply to the City of Mt. Shasta to display a portable street graphic when:

1. The portable street graphic is constructed of safe materials that are securely anchored
2. They do not utilize illumination or any electrical sources
3. They attain an Encroachment Permit from the City of Mt. Shasta and do not deter pedestrian movement
4. They do not obstruct or be dangerous to motor vehicle traffic

SECTION 1.15. STREET GRAPHICS EXEMPT

The following street graphics are exempt from the regulations contained in this ordinance:

1. A street graphic that is posted by a governmental unit, including a public school district
2. A street graphic that is integrated into or on a coin-operated machine, vending machine, gasoline pump, or telephone booth
3. A street graphic that cannot be viewed in the public right-of-way
4. A street graphic carried by a person

SECTION 1.16. VARIANCES

The Planning Commission may grant variances from the regulations contained in this ordinance:

1. To permit a setback for a street graphic that is up to 25 percent less than the required setback, and
2. To permit the area or height of a street graphic to be increased by up to 25 percent more than the maximum height allowed

Approval standard. The Planning Commission may grant a variance authorized by this section if it finds the variance requested is required by special or unique hardship because of:

- a. Exceptional narrowness, shallowness, or shape of the premise on which a street graphic is located; or
- b. Exceptional topographic conditions or physical features uniquely affecting the premise on which a street graphic is located.

A showing that the display of a street graphic would be more profitable, or that the street graphic would be more valuable, is not a special or unique hardship as required by this section

SECTION 1.17. NONCONFORMING STREET GRAPHICS

Change or modifications. A nonconforming street graphic or street graphics structure shall be brought into conformity with this ordinance if it is altered, reconstructed, replaced, expanded, or relocated. A mere change in copy is not an alteration or preplacement for purpose of this subsection.

Maintenance. Nonconforming street graphics must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a street graphic or street graphics structure in order to return it to its original state, and it is not a change or modification for purpose of Subsection 1.

Removal. Removal of a nonconforming street graphic or replacement of a nonconforming street graphics with a conforming street graphic is required when:

- a. A nonconforming street graphic, or substantial part of a nonconforming street graphic, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, “substantial” mean 50 percent or more of the entire street graphic structure; or
- b. The condition of the nonconforming street graphic or nonconforming street graphic structure has deteriorated without maintenance as required by this section; or the nonconforming street graphic structure or building it is mounted on is destroyed or damaged; and the cost of restoration of the street graphic to its condition immediately prior to such deterioration or event exceeds 50 percent of the cost of reconstruction of the street graphic structure; or
- c. The use of the nonconforming street graphic, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

Multiple graphics. If a premise has more street graphics than this ordinance allows, any street graphic in excess of that number is nonconforming.

Certificate of nonconformity. The owner of a nonconforming street graphic or street graphic structure shall register with the City of Mt. Shasta the street graphics or structures it designates as nonconforming. Upon the Planning Department’s confirmation that the street graphic or structure is entitled to the protections of this section, a Certificate of Nonconformity shall issue for it.

Street graphic permit. Any permit issued for a street graphic under this ordinance shall require that any nonconforming street graphic or structure displayed on the premise for which the permit is issued shall conform to the current provisions of this ordinance.

SECTION 1.18. PERMITS

Permit required.

- A. No person shall erect or display a street graphic unless the Planning Department has issued a permit for the street graphic, or unless this section exempts the street graphic from the permit requirement.
- B. The Planning Commission may review a sign permit at any time to ensure compliance.

Application. A person proposing to erect or display a street graphic shall file an application for a permit with the Planning Department. The application shall contain:

- a. The name, address, and contact information of sign contractor and the owner and occupant of the premise where the street graphic is to be erected or displayed; the date on which it is to be erected or displayed; the zoning district and the Area of Special Character, if any, in which it is located; and any variance that has been approved.
- b. A drawing to scale that shows (1) all existing street graphics displayed on the premise; (2) The location, height and size of any proposed street graphics; (3) the items of information proposed to be displayed; and (4) the percentage of the Signable area covered by the proposed street graphics. This information is not required if a Program for Graphics has been approved for the premise or occupancy on which the street graphic will be erected or displayed if the approved Program for Graphics is attached to the application.
- c. Specifications for the construction or display of the street graphic and for its illumination and mechanical movement, if any is to be provided.

Approval or denial. The Planning Department shall approve a permit for the street graphic if it complies with the building, electrical, or other adopted codes of the City of Mt. Shasta and with:

- a. The regulations for street graphics contained in this ordinance and any variance that has been granted for these regulations, and
- b. Any special regulations that have been adopted for an Area of Special Character, and
- c. Any Program for Graphics that has been approved under this ordinance.

If the Planning Department does not approve a permit for the street graphic they shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application.

Appeals. Any applicant who is denied a permit for the display of a street graphic may appeal as per Mt. Shasta Municipal Code Chapter 18.32.

Fees. The fees for permit application shall be set by the City Council through Resolution.

Exemptions. The following street graphics are exempt from the permit requirement:

- a. A street graphic exempted from the provisions of this ordinance
- b. A temporary window graphic, erected no longer than 30 days
- c. A street graphic that is a permanent architectural detail of the building

SECTION 1.18. ENFORCEMENT & PENALTIES

(A) Violation of this chapter shall constitute an infraction, and shall be punished in the manner as specified, at the time of violation, in California Government Code § 36900, or any successor statute which specifies the penalties of infractions.

(B) Except as otherwise provided, enforcement of this chapter is at the sole discretion of the city. Nothing in this chapter shall create a right of action in any person against the city or its agents to compel public enforcement of this chapter against private parties.

(C) Nothing herein shall prevent a person who violates this chapter from, in the alternative, being charged with and convicted of a misdemeanor or felony under any other applicable provision of the California Penal Code or other local, County, State, or Federal law or regulation.

(D) In addition to provisions outlined in California Government Code § 36900, if a sign is erected, altered, or exists in a manner which violates this chapter the sign may be removed by the City at the property owner expense.

SECTION 1.19. SEVERABILITY CLAUSE

The invalidation of any section, subsection, clause, word, or phrase of this ordinance by any court of competent jurisdiction shall not affect the validity of the remaining portions of the ordinance.