

ORDINANCE O2019-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE NAPA MUNICIPAL CODE TO ADD A NEW CHAPTER 17.55 "SIGN ORDINANCE," TO REPEAL CHAPTER 15.56 "SIGNS," AND TO INCORPORATE THOSE AMENDMENTS TO SIGN REGULATIONS THROUGHOUT THE NAPA MUNICIPAL CODE, INCLUDING AMENDMENTS TO SECTIONS 8.16.040, 15.108.020, 17.06.030, 17.080.020, 17.08.060, 17.10.020, 17.10.040, 17.10.050, 17.12.020, 17.12.040, 17.12.050, 17.14.020, 17.14.040, 17.14.050, 17.16.020, 17.16.060, 17.18.040, 17.20.020, 17.20.040, 17.20.050, 17.28.030, 17.28.050, 17.28.060, 17.30.060, 17.30.070, 17.32.380, 17.46.030, 17.52.030, 17.52.060, 17.52.090, 17.52.275, 17.52.380, 17.52.490, AND 17.62.050.

WHEREAS, the City has authority to adopt sign regulations pursuant to the State Constitution Article XI, Sections 5 and 7, the Charter of the City of Napa, California Government Code Sections 65000 *et seq.*, 38774, 38775, 65850(b), California Business and Professions Code Section 5200 *et seq.*, 5230, 5490 *et seq.*, 13530 *et seq.* and 13540, Penal Code 556 and other applicable State laws; and

WHEREAS, the City Council finds that unregulated and uncontrolled construction and erection of signage and lack of maintenance of signage in the City will result in excessive and inappropriate signage, which will have an adverse impact on the overall visual appearance of the City and on property values. Unregulated and inappropriate signage can also increase risks to drivers, bicyclists and pedestrians by creating hazards and unreasonable distractions. It is, therefore, necessary to enact sign regulations to safeguard and preserve the health, property and public welfare of City residents through control of the design, construction, location and maintenance of signs as an information system, which preserves and enhances the aesthetic character and environmental values of the City, its residential neighborhoods and commercial/industrial districts consistent with the goals, policies, and strategies of the General Plan while providing an effective means for members of the public to express themselves through the display of signs consistent with the First Amendment. This Ordinance will minimize visual clutter, enhance safety through design and placement of signs, and preserve the aesthetics and character of the community. By adopting this Ordinance, the City Council intends to balance the needs of the City's residents, businesses, institutions, and visitors for adequate identification, communication, and advertising with the objectives of protecting public safety and welfare and preserving and enhancing the aesthetic character and environmental values of the community; and

WHEREAS, obscene material is not protected by the First Amendment and may be regulated by the City in accordance with *Miller v. California*, 413 U.S. 15 (1973); and

WHEREAS, the City of Napa adopted Ordinance No. O94-004 on January 18, 1994, establishing signage regulations in Chapter 15.56 of the Napa Municipal Code ("NMC"); and

WHEREAS, a comprehensive update to the City's current sign regulations has been developed based on a review of current state and federal laws pertaining to signage; and

WHEREAS, on November 15, 2018, the Planning Commission held a noticed public hearing on the proposed Zoning Text Amendment in accordance with NMC Section 17.66.090; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: The City Council hereby makes the following findings:

1. The proposed amendment is consistent in principle with the General Plan.

The proposed Ordinance is consistent with the General Plan which sets forth policies that encourage a mix of well-located uses to serve the needs of the community (LU-5) and specifically carries out Implementation Program LU-5.B that encourages the development of standards, including signage, that will improve the appearance and function of commercial and office areas.

2. The public health, safety and general welfare are served by the adoption of the proposed amendment.

As specifically stated in the Purpose statement of the proposed Sign Ordinance, the updated signage standards reasonably regulate the structural, locational and other non-communicative (time, place, and manner) aspects of signs, generally for the public health, safety, welfare, and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety.

3. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

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The proposed Ordinance does not rezone land, including residential land identified as contributing to the City's ability to accommodate its share of the regional housing needs.

SECTION 2: Repeal. Napa Municipal Code Chapter 15.56 is hereby repealed in its entirety. Accordingly, the Table of Contents for Napa Municipal Code Title 15 is hereby amended to delete the reference to Chapter 15.56 "Signs."

SECTION 3: Adoption. Napa Municipal Code Section 17.55 is hereby adopted as set forth in Exhibit A attached hereto and incorporated herein by reference. Accordingly, the Table of Contents for Napa Municipal Code Title 17 is hereby amended to add the reference to Chapter 17.55 "Sign Ordinance."

SECTION 4: Amendment. Napa Municipal Code ("NMC") Subsection 8.16.040(D)(11) is hereby amended by deleting "(See also, Chapter 15.56, regarding signs)" and replacing it with "(See also, Chapter 17.55, regarding signs)."

SECTION 5: Amendment. For NMC Section 15.108.020, the definition of "Public art" is hereby amended by deleting "signage as defined in Napa Municipal Code Chapter 15.56" and replacing it with "signage as defined in Chapter 17.55."

SECTION 6: Amendment. For NMC Section 17.06.030, the definition of "Sign" is hereby amended by deleting the current text, and replacing it with: "'Sign" shall have the meaning set forth in Chapter 17.55."

SECTION 7: Amendment. For NMC Section 17.08.020(C), the use labeled "Signs" is hereby amended by deleting "See Title 15, Signs" from the column labeled "Added Use Regulations" and replacing it with "See Chapter 17.55, Sign Ordinance."

SECTION 8: Amendment. NMC Section 17.08.060 is hereby amended by deleting "Title 15" and replacing it with "Chapter 17.55, Sign Ordinance."

SECTION 9: Amendment. For NMC Section 17.10.020(F), the use labeled "Signs" is hereby amended by deleting "See Title 15" from the column labeled "Added Use Regulations" and replacing it with "See Chapter 17.55, Sign Ordinance."

SECTION 10: Amendment. NMC Section 17.10.040(C) is hereby amended by deleting "(See Ch. 15.56, Signs)" and replacing it with "(See Chapter 17.55, Sign Ordinance)."

SECTION 11: Amendment. NMC Section 17.10.050 is hereby amended by deleting "Title 15" and replacing it with "Chapter 17.55, Sign Ordinance."

SECTION 12: Amendment. For NMC Section 17.12.020(E), the use labeled "Signs" is hereby amended by deleting "See Ch. 15.56, Signs" from the column labeled "Added Use Regulations" and replacing it with "See Chapter 17.55, Sign Ordinance."

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SECTION 13: Amendment. NMC Section 17.12.040 is hereby amended by deleting “(See Title 15, Signs)” and replacing it with “(See Chapter 17.55, Sign Ordinance).”

SECTION 14: Amendment. NMC Section 17.12.050 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 15: Amendment. For NMC Section 17.14.020(F), the use labeled “Signs” is hereby amended by deleting “Title 15” from the column labeled “Added Use Regulations” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 16: Amendment. NMC Section 17.14.040(C)(1) is hereby amended by deleting “(See Chapter 15.56)” and replacing it with “(See Chapter 17.55).”

SECTION 17: Amendment. NMC Section 17.14.050 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 18: Amendment. For NMC Section 17.16.020(F), the use labeled “Signs” is hereby amended by deleting “See standards Title 15” from the column labeled “Added Use Regulations” and replacing it with “See Chapter 17.55, Sign Ordinance.”

SECTION 19: Amendment. NMC Section 17.16.060 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 20: Amendment. NMC Section 17.18.040 is hereby amended by deleting “(see Title 15 standards)” and replacing it with “(see Chapter 17.55, Sign Ordinance).”

SECTION 21: Amendment. NMC Section 17.20.020(F), is hereby amended by deleting “Sign subject to Title 15” from the column labeled “Zoning Districts” and replacing it with “Signs” and by deleting “See Title 15” from the column labeled “Added Use Regulations” and replacing it with “See Chapter 17.55, Sign Ordinance.”

SECTION 22: Amendment. NMC Section 17.20.040 is hereby amended by deleting “(see Title 15)” and replacing it with “(see Chapter 17.55, Sign Ordinance).”

SECTION 23: Amendment. NMC Section 17.20.050 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 24: Amendment. NMC Section 17.28.030(F) is hereby amended by deleting “Sign subject to Title 15” from the column labeled “Zoning Districts” and replacing it with “Sign” and by deleting “See Title 15, signs” from the column labeled “Added Use Regulations” and replacing it with “See Chapter 17.55, Sign Ordinance.”

SECTION 25: Amendment. NMC Section 17.28.050 is hereby amended by

deleting “(see Title 15)” and replacing it with “(see Chapter 17.55, Sign Ordinance).”

SECTION 26: Amendment. NMC Section 17.28.060 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 27: Amendment. NMC Section 17.30.060 is hereby amended by deleting “(see Title 15)” and replacing it with “(see Chapter 17.55, Sign Ordinance).”

SECTION 28: Amendment. NMC Section 17.30.070 is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance”.

SECTION 29: Amendment. NMC Section 17.32.380(B) is hereby amended by deleting “signage shall be consistent with Section 15.56.080 relating to industrial uses and the approved design guidelines” and replacing it with: “signage shall be consistent with Chapter 17.55, Sign Ordinance and the approved design guidelines.”

SECTION 30: Amendment. NMC Section 17.46.030(D)(1) is hereby amended by deleting “Chapter 15.56 (Signs)” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 31: Amendment. NMC Section 17.46.030(D)(2) is hereby amended by deleting the current text and replacing it with: “The establishment of a sign program in the :SC area shall comply with the standards set forth in Section 17.55.070(B).”

SECTION 32: Amendment. NMC Section 17.46.030(D)(3) is hereby amended by deleting “sign program use permit, in addition to considering the criteria contained in Section 15.56.170” and replacing it with: “sign program, in addition to considering the criteria contained in Chapter 17.55, Sign Ordinance.”

SECTION 33: Amendment. NMC Section 17.52.030.D(2) is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 34: Amendment. NMC Section 17.52.090(I)(1) is hereby amended by deleting “Title 15” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 35: Amendment. NMC Section 17.52.275(F)(17) is hereby amended by deleting “Chapter 15.56” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 36: Amendment. NMC Section 17.52.380(G) is hereby amended by deleting “NMC Chapter 15.56” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 37: Amendment. NMC Section 17.52.490(N)(5) is hereby amended by deleting “Chapter 15.56 (Signs)” and replacing it with “Chapter 17.55, Sign Ordinance.”

SECTION 38: Amendment. NMC Section 17.62.050(A)(5) is hereby amended by deleting “the sign ordinance” and replacing it with “Chapter 17.55, Sign Ordinance.”

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SECTION 39: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 40: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 18th day of December, 2018, and had its second reading and was adopted and passed during the public meeting of the City Council on the 15th day of January, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____

Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney