



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** November 13, 2012

From: Lori Lamson, Assistant Director of **Item No:** 7
Community Development
Community Development

Subject: ADOPT ORDINANCE NOS. 439 AND 440 OF THE TOWN OF APPLE
VALLEY AMENDING THE ZONING MAP AND DEVELOPMENT CODE AS
IT RELATES TO GOVERNMENTAL FACILITIES AND PUBLIC FACILITIES

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance Nos. 439 and 440.

SUMMARY:

At its October 23, 2012 meeting, the Town Council reviewed and introduced Ordinance Nos. 439 and 440. Ordinance No. 439 amends the Zoning Map by changing the zoning designation from Public Facilities (P-F) to General Commercial (C-G), from Public Facilities (P-F) to Multi-Family Residential (R-M), from General Commercial (C-G) to Public Facilities (P-F), from Multi-Family Residential (R-M) to Service Commercial (C-S), and from Multi-Family Residential (R-M) to Public Facilities (P-F). Ordinance No. 440 amends the Development Code as it relates to government facilities and public utility installations. As part of the requirements to adopt any new Ordinance, Ordinance Nos. 439 and 440 have been scheduled for adoption at the November 13, 2012 Town Council meeting.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Ordinance Nos. 439 and 440.

ORDINANCE NO. 339

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM PUBLIC FACILITIES (P-F) TO GENERAL COMMERCIAL (C-G) FOR APNS 3112-731-22, FROM PUBLIC FACILITIES (P-F) TO MULTI-FAMILY RESIDENTIAL (R-M) FOR APN 3087-351-23, FROM GENERAL COMMERCIAL (C-G) TO PUBLIC FACILITIES (P-F) FOR APN 3112-731-18, FROM MULTI-FAMILY RESIDENTIAL (R-M) TO SERVICE COMMERCIAL (C-S) FOR APN(S) 3087-351-09,10,11,27 THRU 29, AND FROM MULTI-FAMILY RESIDENTIAL (R-M) TO PUBLIC FACILITIES (P-F) FOR APN 3087-351-08.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation as shown on Exhibit "A", and incorporated herein by reference; and

WHEREAS, on September 28, 2012, Zone Change No. 2012-01 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it, including the Initial Study on file with the Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on October 23, 2012, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2012-01, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Zone Change No. 2012-01 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2012-01 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with General Plan Amendment No. 2012-02.

Section 3 The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation as shown on attached Exhibit "A", and incorporated herein by reference.

Section 4. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 13th day of November, 2012.

ATTEST:

Barb Stanton, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

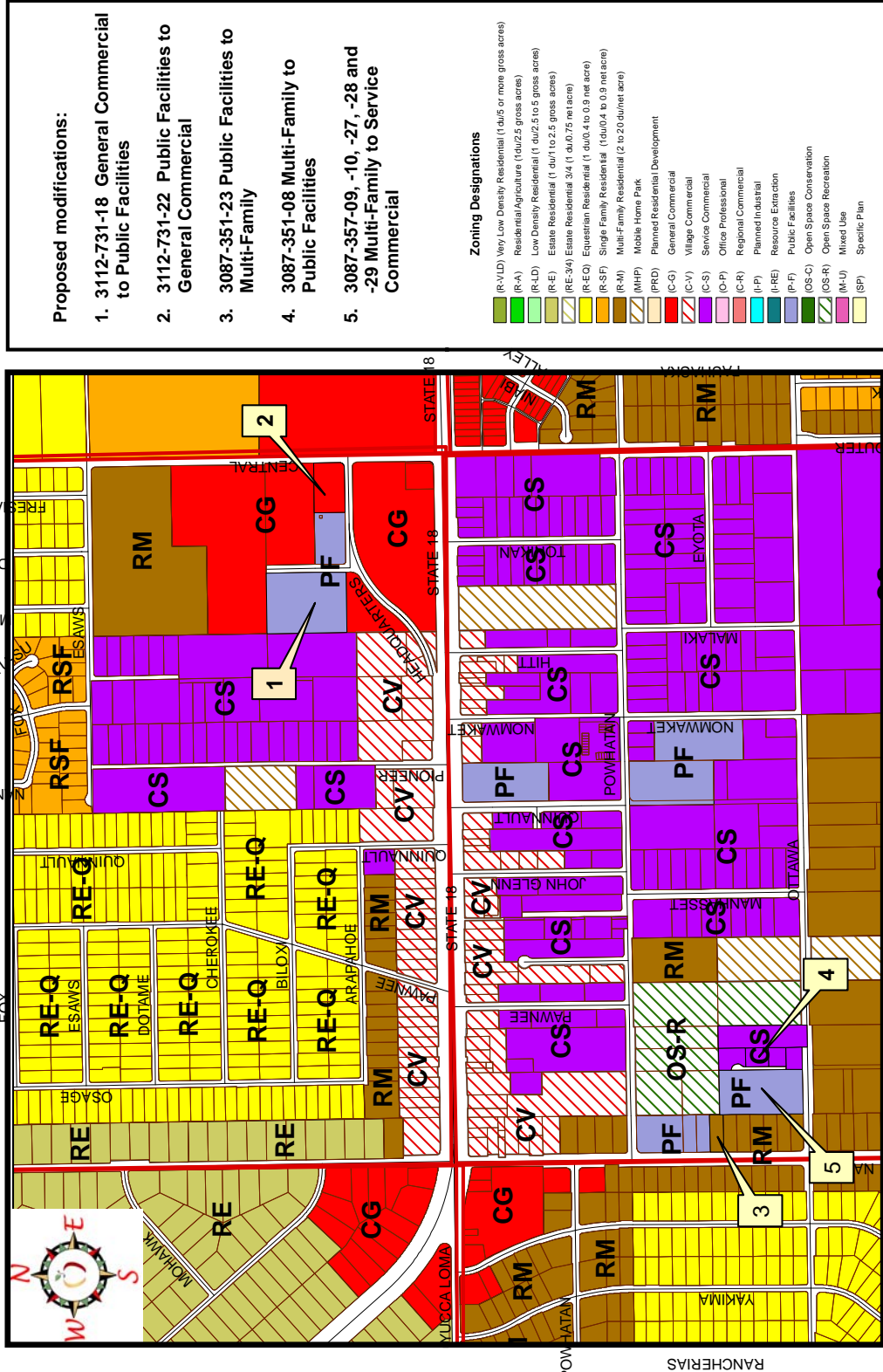
John Brown, Town Attorney

Frank Robinson, Town Manager

EXHIBIT A

Proposed Zoning

General Plan Amendment 2012-002 and Zone Change No. 2012-001



Proposed modifications:

1. 3112-731-18 General Commercial to Public Facilities
2. 3112-731-22 Public Facilities to General Commercial
3. 3087-351-23 Public Facilities to Multi-Family
4. 3087-351-08 Multi-Family to Public Facilities
5. 3087-357-09, -10, -27, -28 and -29 Multi-Family to Service Commercial

Zoning Designations

(R-VLD)	Very Low Density Residential (1 du/0.5 or more gross acres)
(R-A)	Residential Agriculture (1 du/2.5 gross acres)
(R-LD)	Low Density Residential (1 du/2.5 to 5 gross acres)
(R-E)	Estate Residential (1 du/1 to 2.5 gross acres)
(RE-3/4)	Estate Residential 3/4 (1 du/0.75 net acre)
(R-EC)	Equestrian Residential (1 du/0.4 to 0.9 net acre)
(R-SF)	Single Family Residential (1 du/0.4 to 0.9 net acre)
(R-M)	Multi-Family Residential (1 du/0.4 to 0.9 net acre)
(MHP)	Mobile Home Park
(PRD)	Planned Residential Development
(C-G)	General Commercial
(C-V)	Village Commercial
(C-S)	Service Commercial
(O-P)	Office Professional
(C-R)	Regional Commercial
(I-P)	Planned Industrial
(I-RE)	Resource Extraction
(P-F)	Public Facilities
(OS-C)	Open Space Conservation
(OS-R)	Open Space Recreation
(M-U)	Mixed Use
(SP)	Specific Plan

1 inch = 1,000 feet

ORDINANCE No. 440

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2012-02 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTIONS 9.35.030-A.D.6 & 7 AND 9.57.030-A.F.6 AS IT RELATES TO GOVERNMENT FACILITIES AND OFFICES WITHIN PUBLIC UTILITY INSTALLATIONS

The Town Council of the Town of Apple Valley, State of California, does hereby ordain as follows:

Section 1. Recitals.

(i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Sections 9.35.030-A.D.6 & 7 and 9.57.030-A.F.6; and

(iv) On October 5, 2012, Development Code Amendment No. 2012-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On September 5, 2012, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-05, receiving testimony from the public; and

(vii) Development Code Amendment No. 2012-02 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2 Findings.

(i) Find that the changes proposed by Development Code Amendment No. 2011-05 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development

Code Amendment No. 2012-02 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

Section 3. Section 9.35.030-A.D.6 & 7 be amended to add the following:

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U

D. PUBLIC AND SEMI-PUBLIC USES

6. Government Facilities	CUP	P	CUP	CUP	CUP	CUP
7. Public utility installations, including offices	CUP	CUP	CUP	CUP	CUP	CUP

Section 4. Section 9.57.030-A.F.6 be amended to add the following:

TABLE 9.57.030 -A PERMITTED USES

F. PUBLIC AND SEMI-PUBLIC USES

6. Public utility installations, including offices	P
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Section 5. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 6. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 13th day of November, 2012.

Barb Stanton, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager