

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**ADOPT ORDINANCE No. 376 TO AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING VARIOUS SECTIONS OF THE CODE AS THEY RELATE TO THE REGULATIONS FOR DEVELOPING GUEST QUARTERS WITHIN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS.**

**Summary Statement:**

At its February 26, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 376 as it relates to amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, by amending Section 9.08.01 “Definitions” and Table 9.28.030-A “Permitted Uses” within Section 9.28.030 of the Code as they relate to the regulations for guest quarters developed within single-family residential districts. As part of the requirements to adopt a new Ordinance, Ordinance No. 376 has been scheduled for adoption at the March 11, 2008 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 376

**Proposed by:**           Planning Division          

**Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_

**Budget Item**  Yes  No

Town Council Meeting: March 11, 2008

## ORDINANCE NO. 376

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.08 “DEFINITIONS” AND 9.28 “RESIDENTIAL DISTRICTS” OF THE DEVELOPMENT CODE AS IT RELATES TO THE REGULATIONS FOR DEVELOPING GUEST QUARTERS WITHIN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

The Town Council of the Town of Apple Valley, State of California, does 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 October 24, 2000; 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 to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Chapters 9.08 “Definitions” and 9.28 “Residential Districts” of the Development Code as it relates to the regulations for developing guest quarters within single-family residential zoning districts.

(iv) On February 15, 2008, Development Code Amendment No. 2007-012 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

(vi) On December 19, 2007 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2007-012, receiving testimony from the public and adopted Planning Commission Resolution No. 2007-032 recommending adoption of this Ordinance; and

(vii) Development Code Amendment No. 2007-012 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. 2007-012 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), the project is exempt from further environmental review. Section 15061(b)(3), states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA

**Section 3.** Amend “Guest Quarters” within Chapter 9.08 “Definitions” to read as follows:

**Guest Quarters** - Any structure, whether attached to or detached from the main residence on a residential lot, or a lot used for residential purposes, containing living quarters for the use by temporary guests of the residents of the main residential structure on the same premises. No such guest quarters shall consist of more than four-hundred (400) square feet, contain more than two (2) rooms and one bathroom and there shall be no kitchen or cooking facilities, nor shall such quarters be rented or otherwise used as a dwelling unit.

**Section 4.** Amend paragraph 6. of subsection G. “Accessory Uses and Structures” of Table 9.28.030-A “Permitted Uses” within Section 9.28.030 “Permitted Uses” of Chapter 9.28 “Residential Districts” to read as follows:

<i>G. Accessory Uses and Structures</i>								
TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD
6. Second dwelling units and guest quarters	SUP	SUP	SUP	SUP	SUP	SUP	-	SUP

**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.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 11<sup>th</sup> day of March, 2008.

\_\_\_\_\_  
Honorable Timothy Jasper, Mayor

ATTEST:

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La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. Neal Singer, Town Attorney

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Mr. James L. Cox, Town Manager