

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 378, AN AMENDMENT TO THE DEVELOPMENT CODE BY ASSIGNING ZONING DESIGNATIONS TO APPROXIMATELY 122,921 ACRES OF LAND LOCATED OUTSIDE THE TOWN BOUNDARY, TO THE NORTH, EAST AND SOUTH OF THE TOWN LIMITS. IN CONJUNCTION WITH THE ZONING ASSIGNMENTS, AMENDMENTS TO THE DEVELOPMENT CODE RELATING TO RESIDENTIAL ZONES, AND THEIR DEVELOPMENT STANDARDS, ARE ALSO PROPOSED.

Summary Statement:

At its March 11, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 378 as it relates to adopting a Negative Declaration for, and approving, Development Code Amendment No. 2007-004 to zone areas within the Town's Sphere of Influence and areas outside the Town's Sphere of Influence, and amend the development code as it pertains to zoning in Residential, Commercial, Industrial and Open Space areas and Residential development standards. As part of the requirements to adopt a new Ordinance, Ordinance No. 378 has been scheduled for adoption at the March 25, 2008 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 378

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No

Town Council Meeting: March 25, 2008

ORDINANCE NO. 378

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION FOR AND APPROVING DEVELOPMENT CODE AMENDMENT NO. 2007-004 TO ZONE AREAS WITHIN THE TOWN'S SPHERE OF INFLUENCE AND AREAS OUTSIDE THE TOWN'S SPHERE OF INFLUENCE AND AMEND THE DEVELOPMENT CODE AS IT PERTAINS TO ZONING IN RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND OPEN SPACE AREAS AND RESIDENTIAL DEVELOPMENT STANDARDS.

WHEREAS, 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

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 approving the proposed zoning designations of the Sphere of Influence and territory north of the Town boundaries, amend Table A of Section 9.05.030-A "Zoning Districts", amend Section 9.05.110 "Prezoning", amend Section 9.28.010 "Purpose and General Plan Consistency", amend Section 9.28.020 "Residential Districts", amend Section 9.28.040 "Site Development Standards", amend Section 9.35.010 "Purpose and General Plan Consistency", amend Section 9.45.010 "Purpose and General Plan Consistency" and amend Section 9.55.010 "Purpose and General Plan Consistency".

WHEREAS, such proposed changes to the Development Code designated as Development Code Amendment No. 2007-004, and proposed conforming changes to the Land Use Element of the Town of Apple Valley General Plan designated as General Plan Amendment No. 2007-007, constitute a "project" under the California Environmental Quality Act ("CEQA"); and

WHEREAS, on February 29, 2008 Development Code Amendment No. 2007-004 was duly noticed in the Apple Valley News and the Daily Press, both are newspapers of general circulation within the Town of Apple Valley; and

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

WHEREAS, on January 16 and February 20, 2008, the Planning Commission conducted duly noticed and advertised public hearings and after receiving public testimony, adopted Planning Commission Resolution No. 2008-001 recommending to the Town Council adoption of the Negative Declaration and Development Code Amendment No. 2007-004; and

WHEREAS, the Town Council finds that there is no evidence, in light of the whole record before it (including but not limited to the Initial Study on file with the Economic and Community Development Department and any comments received) that there is not substantial

evidence that the project may have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis; and

WHEREAS, proposed Development Code Amendment No. 2007-004 is consistent with General Plan Amendment No. 2007-007 and is consistent with Town of Apple Valley General Plan and 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.

WHEREAS, the Town Council conducted a duly noticed public hearing on March 11, 2008, and heard all testimony of any person wishing to speak on the issue and considered the written recommendation of the Planning Commission on the matter.

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

Section 1. Based upon the information contained within the Initial Study prepared in conformance with the State Guidelines to Implement the California Environmental Quality Act (CEQA), Development Code Amendment No. 2007-004 will not have a significant impact upon the environment and, therefore, the Town Council of the Town of Apple Valley adopts the Negative Declaration for Development Code Amendment No. 2007-004. Prior to approving Development Code Amendment No. 2007-004, the Town Council has considered the Negative Declaration, any comments submitted regarding the Negative Declaration, and the response to such comments.

Section 2. Development Code Amendment No. 2007-004 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 3. 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, finds that the change proposed by Development Code Amendment No. 2007-004 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 4. The Town Council does hereby amend 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 zoning approximately 122,921 acres of land located outside the Town boundary, to the north, east and south of the Town limits and amending the Zoning Map to include this area as identified on Exhibit 1.

Section 5. Add footnote No. 1 of Table A "Zoning Districts" of Section 9.05.030 "Zoning Districts" of Chapter 9.05 "Zoning" of the Development Code to read as follows:

¹ Suffixes apply to zoned lands in the sphere of influence and to the north of the Town limits. These suffixes denote the minimum acreage per lot, as described in Chapter 9.28.

Section 6. Amend subsection B. of Section 9.05.110 "Prezoning" of Chapter 9.05 "Zoning" of the Development Code to read as follows:

9.05.110 Prezoning

B. Upon passage of an ordinance establishing the applicable prezoning designation for property outside the Town, the official Zoning Districts Map shall be revised to show the prezoning classification to become effective upon annexation.

Section 7. Amend paragraphs 9 and 10 and add paragraph 11 to subsection A “Purpose” of Section 9.28.010 “Purpose and General Plan Consistency” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

9. To maintain a minimum lot size throughout the Town of 18,000 net square feet per new parcel unless a specific plan or planned unit development is submitted for consideration;
10. To create a clear and consistent set of standards to assist the development community in comprehending applicable General Plan policies and the Town's intent with regard to regulating residential development; and
11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 8. Amend subsection A “Very Low Density Residential (R-VLD)” of Section 9.28.020 “Residential Districts” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

- A. *Very Low Density Residential (R-VLD).*** This district is intended for very low density, single family detached housing development with a minimum lot size of five (5) gross acres per unit. This area is suited for agriculture, animal keeping and equestrian uses, but because of environmental constraints or lack of services these uses must occur at low intensities. This zoning district implements the General Plan Very Low Density Residential (R-VLD) land use designation density of five (5) or more gross acres per dwelling unit. For zoned lands outside the Town limits, suffixes have been applied which denote the minimum acreage required in the zone.

Section 9. Add footnote No. 15 of Table A “Site Development Standards” of Section 9.28.040 “Site Development Standards” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

- (15) For lands located outside the Town limits, the following minimum lot sizes shall apply (see Zoning Map).
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|----------|--------------------------|
| R-VLD/10 | 10 acre minimum lot size |
| R-VLD/20 | 20 acre minimum lot size |
| R-VLD/40 | 40 acre minimum lot size |

Section 10. Add paragraph 8 of subsection A of Section 9.32.010 “Purpose and General Plan Consistency” of Chapter 9.35 “Commercial Districts” of the Development Code to read as follows:

8. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 11. Add paragraph 7 of subsection A “Purpose” of Section 9.45.010 “Purpose and General Plan Consistency” of Chapter 9.45 “Industrial Districts” of the Development Code to read as follows:

7. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 12. Add paragraph 11 of subsection A “Purpose” of Section 9.55.010 “Purpose and General Plan Consistency” of Chapter 9.55 “Open Space Districts” of the Development Code to read as follows:

11. To establish zoning for lands surrounding the Town, both within and outside its sphere of influence, which establishes Town zoning districts for these lands, if they are annexed to the Town in the future.

Section 13. 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 14. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 15. 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.

Section 16. The Town staff is hereby authorized and directed to file a Notice of Determination with respect to the approval of Development Code Amendment No. 2007-004.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 25th day of March, 2008.

ATTEST:

Honorable Timothy Jasper, Mayor

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James Cox, Town Manager

Exhibit 1: Town Zoning Designations

Town of Apple Valley



Town Zoning Designations

