



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council **Date:** October 27, 2015

**From:** Pam Cupp, Associate Planner **Item No:** 5  
Planning Department

**Subject:** ADOPT ORDINANCE NO. 472 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING SECTION 9.74.110(G) “DIGITAL ADVERTISING DISPLAYS” OF CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS”

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

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### RECOMMENDED ACTION:

That the Town Council adopt Ordinance No. 472.

### SUMMARY:

At its September 22, 2015 meeting, the Town Council reviewed, amended and introduced Ordinance No. 472, which amends the Development Code Section 9.74.110(G) "Digital Advertising Displays". As part of the requirements to adopt any new Ordinance, Ordinance No. 472 has been scheduled for adoption at the October 27, 2015 Town Council meeting.

### FISCAL IMPACT:

Not Applicable.

### ATTACHMENTS:

Ordinance No. 472

**ORDINANCE NO. 472**

**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 MODIFYING SECTION 9.74.110(G) “DIGITAL ADVERTISING DISPLAYS” OF CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS”**

**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 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to the regulations applicable to all digital advertising displays; and

**WHEREAS**, on August 19, 2015, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2014-002 receiving testimony from the public and adopting Planning Commission Resolution No. 2015-004 forwarding a recommendation to the Council; and

**WHEREAS**, Development Code Amendment No. 2015-002 is consistent with the Town’s 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; and

**WHEREAS**, 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

**WHEREAS**, on September 11, 2015, Development Code Amendment No. 2014-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, on September 22, 2015, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2015-002, 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.** Find that the changes proposed by Development Code Amendment No. 2015-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment 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, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2014-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Section 9.74.110(G) "Digital Advertising Displays" of the Development Code to read as follows:

**"G. Digital Advertising Displays (Digital Signs)**

**1. Permitted Locations**

- a. Digital advertising displays are only permitted within the Regional Commercial (C-R); General Commercial (C-G); and Village Commercial (C-V) zoning designations.
- b. Project site must have a minimum lot frontage of 100 feet.
- c. Digital advertising displays may only be installed on developed property with frontage along I-15; Major Divided Arterial, Major Divided Parkway or Major Road as identified within the Town's Circulation Element of the General Plan.
- d. Single tenant buildings and sites may be permitted one (1) digital sign.
- e. Digital advertising displays may not be located within 150 feet of any residential unit or district, as measured from the sign.

**2. Design Standards**

- a. Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.

- b.* The digital portion of any sign may only occupy up to twenty-five (25) percent of the sign area, or thirty (30) square feet, whichever is less. This provision does not apply to billboards adjacent to the freeway.
- c.* The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.* Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.* Text only reader boards are limited to one (1) single color.
- f.* Digital advertising displays may not be added to legal, nonconforming signs.

### **3. Operating Standards**

- a.* Signs visible from the public right-of-way shall not change at a frequency in excess of one alteration per five (5) seconds.
- b.* Transition between slides shall not exceed one (1) second.
- c.* Each slide shall contain one (1) complete message; messages shall not be truncated between slides.
- d.* Scrolling or animated characterization is not permitted.
- e.* All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- f.* All digital advertising displays must comply with the illumination provisions of this Section.
- g.* Digital advertising displays located along pedestrian mall areas, not visible from a public right-of-way, may use scrolling and animated characterization.
- h.* Digital advertising displays may advertise off-site businesses.”

**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 27th day of October, 2015.

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Larry Cusack, Mayor

**ATTEST:**

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La Vonda M. Pearson, Town Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

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John Brown, Town Attorney

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Frank Robinson, Town Manager