

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 367 TO AMEND THE PROVISIONS OF THE DEVELOPMENT CODE PERTAINING TO MODIFYING REGULATIONS FOR SNIPE SIGNS IN THE PUBLIC RIGHT-OF-WAY, MODIFYING THE RESIDENTIAL KIOSK DIRECTIONAL SIGN PROGRAM AND LIMITING THE USE OF HUMAN OPERATED SIGNS WITHIN RESIDENTIAL NEIGHBORHOODS.

Summary Statement:

At its April 8, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 367 as it relates to amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, by amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying the regulations for snipe signs within the public right-of-way, modifying the Residential Kiosk Sign Program regulations and limiting human operated signs within the residential neighborhoods within the Town. As part of the requirements to adopt a new Ordinance, Ordinance No. 367 has been scheduled for adoption at the April 22, 2008 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 367

Proposed by: Planning Division

Item Number

Town Manager Approval:

Budget Item Yes No

Town Council Meeting: April 22, 2008

ORDINANCE NO. 367

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 CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO MODIFYING THE REGULATIONS FOR SNIPE SIGNS AND RESIDENTIAL KIOSK DIRECTIONAL SIGNS IN THE PUBLIC RIGHT-OF-WAY AND PROHIBIT HUMAN OPERATED SIGNAGE FROM LOCATING ON LOCAL ROADS IN RESIDENTIALLY ZONED NEIGHBORHOODS.

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 Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it relates to regulations regarding snipe signage and residential kiosk directional signs in the public right-of-way and prohibiting human operated signage from locating on local roads in residentially zoned neighborhoods; and

(iv) On November 2, 2007, Development Code Amendment No. 2007-017 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 October 17, 2007 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2007-017, receiving testimony from the public and adopted

Planning Commission Resolution No. 2007-021 Recommending Adoption of this Ordinance; and

(vii) On March 25, 2008, the Council appointed Sign Committee consisting of Council Members Nassif and Allan, held a public workshop to obtain input on this issue; and

(viii) Development Code Amendment No. 2007-017 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. 2007-017 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 Section 9.74.040 “Definitions” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code by adding the definition of Human Operated Signage and by amending the definition of Snipe Signs to read as follows:

Human Operated Signage. Signs held and/or movement operated by a person, typically located on a street corner.

Snipe Sign. Temporary signs fastened to fences, trees, utility poles, stakes in the ground with or without the use of receptacles, or other non-sign structures.

Section 4. Amend Section 9.74.050 “Prohibited Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code by adding new paragraphs P and Q to read as follows:

P. Snipe signs located in the public right-of-way that do not conform to the requirements of Temporary Subdivision and Model Home Signs in Section 9.74.150(E).

Q. Human Operated signs located on local roads in residentially zoned neighborhoods.

Section 5. Amend paragraphs 2, 4 and 7 of subsection E “Temporary Off-Site Weekend Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code to read as follows:

E.

2. Such snipe sign may be posted within the public right-of-way, provided that the installation of the sign is in compliance with Figure 9.74.150-C, which includes a rectangular receptacle placed at least two (2) feet in the ground made of metal or pvc material. The receptacles shall be removed at the completion of the tract. Snipe signs on wood stakes or other posts without a receptacle shall be prohibited;
4. Snipe signs shall be at least five hundred (500) feet from any other sign for that subdivision, except at intersections. Snipe signs may not be within fifty (50) feet of an approved sign for any other subdivision and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign;
7. Prior to posting any snipe signs, each subdivision must obtain approval of a Temporary Use Permit, free of charge, from the Planning Division. A sign location plan shall be prepared showing the site of each sign.

Section 6. Add Figure 9.75.150-C to Subsection E “Temporary Off-Site Weekend Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code as shown below:

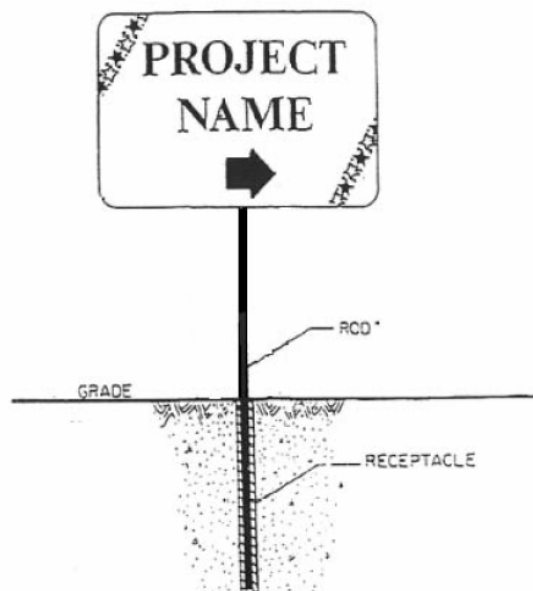


Figure 9.74.150-C

Section 7. Amend subparagraph a. of paragraph 13 of subsection D “Residential Kiosk Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code to read as follows:

9.74.150

D. 13.

- a. No more than three (3) panels per development per side of kiosk is permitted;

Section 8. Add Figure 9.74.150-B “Kiosk Signs” of paragraph 13 of subsection D “Residential Kiosk Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code as shown below:

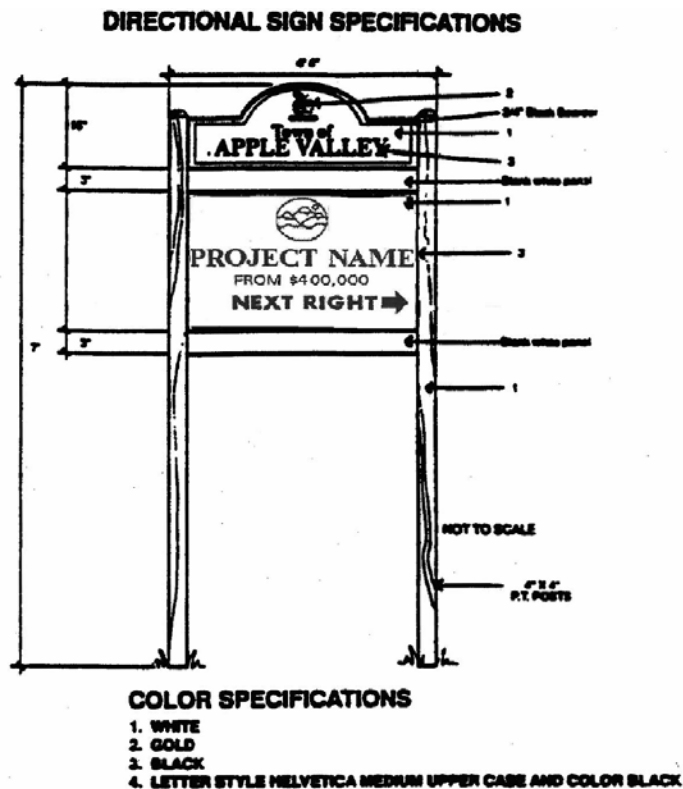


Figure 9.74.150-B

Section 9. 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 10. 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 11. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 12. 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 22nd day of April, 2007.

Honorable Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James L. Cox, Town Manager