



Town Council Agenda Report

Date: October 22, 2019 Item No. 2
To: Honorable Mayor and Town Council
Subject: SECOND READING ORDINANCE 519 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY ADDING A DEFINITION FOR "ASSEMBLY OF PRODUCTS" AND MODIFYING PROVISIONS RELATING TO ALLOWING THE ASSEMBLY OF PRODUCTS AS AN ANCILLARY USE TO A COMMERCIAL USE TOWN-WIDE.
From: Douglas Robertson, Town Manager
Submitted by: Lori Lamson, Assistant Town Manager
Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 519

SUMMARY:

At its October 8, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 518 that will allow the assembly of products as an ancillary use to a commercial use and add a definition of "Assembly of Products". Ordinance No. 519 has been scheduled for adoption at the October 22, 2019 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 519

ORDINANCE NO. 519

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.08 "DEFINITIONS" ADDING A DEFINITION FOR "ASSEMBLY OF PRODUCTS" AND AMEND TABLE 9.35.030-A "PERMITTED USES" OF TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE TO ALLOW THE ASSEMBLY OF PRODUCTS AS AN ANCILLARY USE TO ANY PERMITTED OR CONDITIONALLY PERMITTED USE, AS LONG AS IT IS CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING. THIS ANCILLARY USE WOULD BE ALLOWED IN ALL COMMERCIAL ZONES TOWN-WIDE.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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, On May 1, 2019, the Town Council initiated a Development Code Amendment, to create provisions for accessory dwelling units located on corner lots;

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, On August 7, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-006, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-011 forwarding a recommendation to the Council; and

WHEREAS, Specific changes are proposed to the Development Code of the Town of Apple Valley Municipal Code by amending Chapter 9.35 "Commercial and Office Districts", Table 9.35.030-A "Permitted Uses" by adding F.2 "Assembly of Products" and adding a definition of Assembly of Products to Chapter 9.08 "Definitions":

WHEREAS, Development Code Amendment No. 2019-008 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 27, 2019, Development Code Amendment No. 2019-006 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, On October 8, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-006, receiving testimony from the public and

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. 2019-006 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. 2019-006 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.08 “Definitions” to include the following definition placed in alphabetical order:

Assembly of Products – Ancillary to an approved commercial use, production or putting together products, for the purpose of installation or sale of goods or service as allowed by an approved commercial activity.

Section 4. Amend Section F. of Table 9.35.030-A “Permitted Uses” to read as follows:

TABLE 9.35.030-A PERMITTED USES

F. Manufacturing/Production/Wholesale Uses

STANDARDS ⁽¹⁾	DISTRICT					
	O-P	C-G	C-S	C-R	C-V	M-U
2. Assembly of Products, as an ancillary use to any approved commercial use described above in Table 9.35.030.A, that is conducted within a completely enclosed building.	P	P	P	P	P	P

Section 5. 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 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. 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 22 day of October, 2019.

Honorable Larry Cusack, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager