

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**ADOPT ORDINANCE NO. 390, 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 HUMAN-OPERATED SIGNAGE LOCATED NEAR ACCESS AREAS OF PUBLIC SAFETY FACILITIES WITHIN THE TOWN.**

**Summary Item:**

At its October 28, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 390 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 human-operated signs located near access areas of public safety facilities within the Town. As part of the requirements to adopt a new Ordinance, Ordinance No. 390 has been scheduled for adoption at the November 18, 2008 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 390

**Proposed by:** Planning Division

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

**Town Manager Approval:** \_\_\_\_\_ **Budgeted Item**  Yes  No  N/A

## ORDINANCE NO. 390

**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 HUMAN-OPERATED SIGNAGE LOCATED NEAR ACCESS AREAS OF PUBLIC SAFETY FACILITIES WITHIN THE TOWN.**

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 for human-operated signage located near access areas of public safety facilities within the Town; and

(iv) On October 17, 2008, Development Code Amendment No. 2008-001 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 1, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2008-001, receiving testimony from the public and adopted Planning Commission Resolution No. 2008-007 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2008-001 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. 2008-001 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), 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 may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

**Section 3.** Amend Paragraph Q. of Section 9.74.050 “Prohibited Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code to read as follows:

Q. Human-operated signs located adjacent or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

**Section 4.** 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 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. The 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 provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 18th day of November, 2008.

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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. John Brown, Town Attorney

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Mr. Frank Robinson, Town Manager