

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A REQUEST SHALL BE PRESENTED TO THE TOWN COUNCIL TO AMEND CHAPTER 9.74 "SIGNS AND ADVERTISING DISPLAYS" OF THE DEVELOPMENT CODE AS IT RELATES TO MODIFYING REQUIREMENTS FOR HUMAN-OPERATED SIGNS ADJACENT TO EMERGENCY SERVICE FACILITIES THAT WILL INCLUDE A SEPARATION DISTANCE OF 200 FEET FROM ACCESS AREAS TO ANY PUBLIC SAFETY OR EMERGENCY FACILITIES IN THE TOWN.**

**Recommended Action:**

**Move to open the public hearing and take testimony.  
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 398 in its entirety and read by title only.
5. **Introduce** Ordinance No. 398, amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying requirements for human operated signs adjacent to emergency service facilities that will include a separation distance of 200 feet from access areas to any public safety or emergency facilities within the Town.
6. **Direct** staff to file a Notice of Exemption.

**Proposed by:** Planning Division

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

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

Town Council Meeting: June 23, 2009

**Summary Item:**

At its meeting of April 14, 2009, the Apple Valley Town Council initiated a Development Code Amendment to modify the regulations to the Signs and Advertising Displays Ordinance that will clarify “adjacent” as it applies to, “adjacent to”, or “in front of”, access areas to emergency or public safety facilities, such as the police station, fire stations and hospitals. This action stems from recent enforcement issues that have highlighted ambiguities relating to the terms “adjacent” and “adjacent to”, specifically on or near emergency facilities and determining distance requirements to these facilities. As part of the requirements to adopt a new Ordinance, Ordinance No.\_\_\_\_ has been scheduled for adoption at the July 14, 2009 Town Council meeting.

At the May 6, 2009 Planning Commission meeting, the Commission discussed distance requirements and questioned if the original recommended 100-foot separation was adequate to accomplish the Councils original concerns. At the May 6<sup>th</sup> meeting, Mr. Jim Anderson, Code Enforcement Manager, indicated that in, one particular case, the distance from the access of St. Mary’s Hospital on Kasota Road and the northeast corner is a 125 linear feet. This corner, typically, has a human sign operator and could continue to operate with the original 100-foot distance and potentially interfere with emergency vehicles. Upon further discussion, the Commission recommended an increase from the 100 foot distance to 200 feet.

**ANALYSIS:**

The definition for “Human-Operated Signs” is recommended to be amended as follows:

**9.74.050 Prohibited Signs**

- Q.** Human-operated signs located adjacent to, or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals are prohibited. Said signs must maintain a separation distance of 200 feet, not including major roadways more than 100 feet in width, to access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

The proposed modification would continue to limit the human-operated signs from being displayed in the public right-of-way of local roads within residential neighborhoods, and adjacent to, or in front of, access areas to emergency or public safety facilities, such as the police station, fire stations and hospitals.

**FINDINGS:**

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific “Findings” as listed within the Code. Code Section 9.06.060 “Required Findings” of Chapter 9.06 Amendments to Zoning Provisions” specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

9.06.060 "Required Findings

- A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. Many of these stated Goals and Objectives address the community's desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Amendment modifies requirements for human operated signs adjacent to emergency service facilities that will include a separation distance of 200 feet from access areas to any public safety or emergency facility and continues to encourage quality aesthetic appearances of the street scene. These changes are consistent with the Goals and Objectives of the adopted General Plan.

- B. The proposed Amendment will not be detrimental to the public health, safety or general welfare of the Town or its residents.

Comment: The proposed Development Code Amendment modifies requirements for human operated signs adjacent to emergency service facilities that will include a separation distance of 200 feet from access areas to any public safety or emergency facilities within the Town. The Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

**NOTICING**

Development Code Amendment No. 2009-002 was advertised as a public hearing in the Apple Valley News newspaper on June 5, 2009 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

**RECOMMENDATION**

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. 398 amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying requirements for human operated signs adjacent to emergency service facilities that will include a separation distance of 200 feet from access areas to any public safety or emergency facility within the Town.

Attachments:

Ordinance No. \_\_\_\_  
Planning Commission Resolution No. 2009-004

## ORDINANCE NO. 398

**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 PROHIBITING HUMAN-OPERATED SIGNAGE FROM LOCATING ADJACENT TO OR IN FRONT OF ACCESS AREAS OF EMERGENCY/PUBLIC SAFETY FACILITIES AND MAINTAINING A SEPARATION DISTANCE OF 200 FEET, NOT INCLUDING MAJOR ROADWAYS MORE THAN 100 FEET IN WIDTH 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 and maintaining a separation distance of 200 feet, within the Town; and

(iv) On June 5 , 2009, Development Code Amendment No. 2009-002 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 May 6, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-002, receiving testimony from the public and adopted Planning Commission Resolution No. 2009-003 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2009-003 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. 2009-002 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 to, or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals are prohibited. Said signs must maintain a separation distance of 200 feet, not including major roadways more than 100 feet in width, to 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 14<sup>th</sup> day of July, 2009.

\_\_\_\_\_  
Honorable Rick Roelle, 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

**PLANNING COMMISSION RESOLUTION NO. 2009-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT FOR DEVELOPMENT CODE AMENDMENT NO. 2009-002 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 PROHIBITING HUMAN-OPERATED SIGNAGE FROM LOCATING ADJACENT TO OR IN FRONT OF ACCESS AREAS OF EMERGENCY/PUBLIC SAFETY FACILITIES AND MAINTAINING A SEPARATION DISTANCE OF 200 FEET, NOT INCLUDING MAJOR ROADWAYS MORE THAN 100 FEET IN WIDTH.**

**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 Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Chapter 9.74 as it relates to prohibiting human-operated signage from locating adjacent to and in front of emergency/public safety facilities and maintaining a 100-foot separation distance; and,

**WHEREAS**, on April 24, 2009, Development Code Amendment No. 2009-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, Pursuant to the Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (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 May 6, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-002, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2009-002 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.

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2009-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** 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 on local roads in a residentially zoned neighborhood and located adjacent to or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals are prohibited. Said signs must maintain a separation distance of 200 feet, not including major roadways more than 100 feet in width, to access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 6<sup>th</sup> day of May, 2009.

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Bruce Kallan, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2009-002 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 6<sup>th</sup> day of May, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Patty Hevle, Planning Commission Secretary