

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**ADOPT ORDINANCE No. 411, AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.060 "EXEMPT SIGNS" BY ESTABLISHING REGULATIONS RELATED TO TEMPORARY PORTABLE SIGNS.**

**Summary Statement:**

At its meeting of July 27, 2010, the Town Council reviewed and introduced Ordinance No. 411, amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, amending Section 9.74.060 "Exempt Signs" by establishing regulations related to temporary portable signs. As part of the requirements to adopt a new Ordinance, Ordinance No. 411 has been scheduled for adoption at the August 10, 2010 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 411

**Proposed by:**           Planning Division          

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

**Town Manager Approval:** \_\_\_\_\_

**Budget Item**  Yes  No  N/A

Town Council Meeting: August 10, 2010

## ORDINANCE No. 411

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2010-004 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.060 "EXEMPT SIGNS" AS IT RELATES TO THE REGULATIONS FOR TEMPORARY PORTABLE SIGNS

The Town Council of the Town of Apple Valley, State of California, does hereby 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 April 27, 2010; 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 are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Sections 9.74.060 as it relates to the regulations for temporary portable signs; and

(iv) On July 16, 2010, Development Code Amendment No. 2010-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On June 16, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-004, receiving testimony from the public; and

(vii) Development Code Amendment No. 2010-004 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. 2010-004 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), it can be seen with certainty that the proposed Development Code Amendment No. 2010-004 is not anticipated to have a direct, adverse impact upon the

environment and, therefore, is EXEMPT from further environmental review.

**Section 3.** Add Subsection EE “Portable Signs” to Chapter 9.74.060 “Exempt Signs” of Title 9 “Development Code” to read as follows:

**EE.** Temporary portable signs are permitted subject to the following:

1. Only one (1) on-site, portable sign is allowed per business, per street frontage. Off-site signs are not permitted.
2. Maximum size is six (6) square feet and the sign may be two (2) sided.
3. Maximum sign height is four (4) feet above grade.
4. One (1) temporary, single flag pole sign with a maximum height of twelve (12) feet, located on private property.
5. Signs may only be displayed during the posted hours the business is open to conduct business.
6. Signs must be professionally constructed and all lettering done in a professional workmanlike manner.
7. Signs may not be illuminated or contain any electrical components.
8. Construction must be such that the sign will be weighted against falling or blowing over.
9. Signs shall have a minimum separation distance of thirty (30) feet on private property, along the right-of-way or twenty (20) feet if located along privately owned drive aisles or pedestrian walkways.
10. Signs may be placed on privately owned sidewalks within commercial centers provided a four (4)-foot wide unobstructed pedestrian path is maintained.
11. Prohibited Sign Locations:
  - a. Clear Site Triangle
  - b. Any public right-of-way
  - c. Anywhere outside the boundaries of affected private property
  - d. On fences, boulders, planters, on other signs, vehicles, utility facilities or any structure

**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.** 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.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 10<sup>th</sup> day of August, 2010.

\_\_\_\_\_  
Honorable Peter Allan, Mayor

ATTEST:

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Ms. 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