

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A REQUEST SHALL BE PRESENTED TO THE TOWN COUNCIL TO AMEND THE PROVISIONS OF THE DEVELOPMENT CODE PERTAINING TO REGULATIONS PROHIBITING SNIPE SIGNS IN THE PUBLIC RIGHT-OF-WAY AND HUMAN OPERATED SIGNS WITHIN RESIDENTIAL NEIGHBORHOODS.**

**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, stating 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. 367 in its entirety and read by title only.
5. **Introduce** Ordinance No. 367, amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to prohibiting snipe signs within the public right-of-way and human operated signs within the Residential neighborhoods within the Town.
6. **Direct** staff to file a Notice of Exemption.

**Proposed by:**           Planning Division          

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

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

**Budget Item**  Yes  No

**Summary Statement:**

This is a continued item from the November 13, 2007 Town Council meeting and was originally placed on the agenda at the request of Council Member Roelle. At the November 13<sup>th</sup> meeting, Council Member Nassif stated that he would like additional time to review this item and discuss it at meeting in the future.

At the August 28, 2007 Town Council Code Enforcement Workshop, the issue of signage located along the public right-of-way was discussed. The Council expressed concerns regarding the proliferation of snipe signs within the public right-of-way. Snipe signs are described in Chapter 9.74 as:

*Snipe Sign.* Temporary signs fastened to fences, trees, utility poles, or other nonsign structures.

Mayor Roelle concern was aesthetics, as well as the snipe signs that are installed with stakes that puncture the landscape liner when placed in the landscape planters along the public right-of-way. The liners become damaged and allow weeds to grow into the planter.

The Council also expressed concern about individuals on street corners holding or controlling signage, typically twirling and dancing with the signs to create attention. Their main concern was this type of signage on residential street corners. The Council agreed with the Mayor and, at this meeting the Council initiated Development Code Amendment 2007-017 to prohibit snipe signs in the public right of way and to prohibit human operated signs located in residentially zoned neighborhoods.

**ANALYSIS:**

The definition for snipe signs has been modified to clarify that it includes signage installed with stakes in the ground. A definition for Human Operated Signs has been included. The definitions and modified Section 9.74.050 "Prohibited Signs" is shown below, additions are noted in **bold italics** and deletions are noted in ~~strike through~~.

*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* or other nonsign structures.

**9.74.50 Prohibited Signs**

- P. *Snipe signs located in the public right-of-way.***
- Q. *Human operated signs located in residentially zoned neighborhoods.***

The Planning Commission adopted Planning Commission Resolution No. 2007-021 on October 17, 2007, recommending that the Town Council adopt Development Code Amendment No. 2007-017.

## **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, prohibiting snipe signs in the public right-of-way and human operated signs from locating in residentially zoned neighborhoods, encourages quality aesthetic appearances of the street scene and residential neighborhoods. 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 the regulations regarding prohibiting snipe signage in the public right-of-way and human operated signage from locating in residentially zoned neighborhoods. 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. 2007-017 was advertised as a public hearing in the Apple Valley News newspaper on November 2, 2007 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. \_\_\_\_\_ amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to prohibiting snipe signs within the public right-of-way and human operated signs within the Residential neighborhoods within the Town.

Attachments:

- Planning Commission Resolution No. 2007-021
- Draft Ordinance No. \_\_\_\_\_

**PLANNING COMMISSION RESOLUTION NO. 2007-021**

**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. 2007-017 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 SNIPE SIGNAGE IN THE PUBLIC RIGHT-OF-WAY AND HUMAN OPERATED SIGNAGE FROM LOCATING IN RESIDENTIALLY ZONED NEIGHBORHOODS**

**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 snipe signage in the public right-of-way and human operated signage from locating in residentially zoned neighborhoods; and,

**WHEREAS**, on October 5, 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

**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 October 17, 2007, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2007-017, receiving testimony from the public; and

**WHEREAS**, 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.

**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.

2007-017 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 Section 9.74.040 "Definitions" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code by amending the definition of Snipe Signs and adding the definition of Human Operated Signage in alphabetical order:

**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 or other nonsign structures.

**Section 4.** Amend Section 9.74.050 "Prohibited Signs" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code adding P and Q in sequential order:

- P. Snipe signs located in the public right-of-way
- Q. Human Operated signs located in a residentially zoned neighborhood.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17<sup>th</sup> day of October, 2007.

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David Hernandez, 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. 2007-021 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17<sup>th</sup> day of October, 2007, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Patty Hevle, Planning Commission Secretary

**ORDINANCE No. \_\_\_\_\_**

**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 SNIPE SIGNAGE IN THE PUBLIC RIGHT-OF-WAY AND HUMAN OPERATED SIGNAGE FROM LOCATING 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 prohibiting snipe signage in the public right-of-way and human operated signage from locating 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) 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 or other nonsign 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
- Q. Human Operated signs located in a residentially zoned neighborhood.

**Section 5. 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 6. 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 7. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 8. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Honorable Richard Roelle, Mayor

ATTEST:

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La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. Neal Singer, Town Attorney

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Mr. James L. Cox, Town Manager