

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A REQUEST TO MODIFY THE PROVISIONS OF THE DEVELOPMENT CODE BY AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION A.3 OF TABLE 9.35.030-A “PERMITTED USES” OF THE CODE TO ALLOW EMERGENCY SHELTERS WITHIN THE VILLAGE COMMERCIAL (C-V) ZONING DISTRICT SUBJECT TO A SPECIAL USE PERMIT.**

**Summary Statement:**

At its meeting of October 25, 2011, the Town Council reviewed and introduced Ordinance No. 425, amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, amending Section A.3 of Table 9.35.030-A “Permitted Uses” to allow emergency shelters within the Village Commercial (C-V) Land Use District subject to a Special Use Permit. As part of the requirements to adopt a new Ordinance, Ordinance No. 425 has been scheduled for adoption at the November 8, 2011 Town Council meeting.

**Recommended Action:**

Adopt Ordinance No. 425

**Proposed by:**           Planning Division                                **Item Number** \_\_\_\_\_

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

## ORDINANCE No. 425

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2011-01 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION A.3 OF TABLE 9.35.030-A “PERMITTED USES” OF THE CODE, TO ALLOW EMERGENCY SHELTERS WITHIN THE VILLAGE COMMERCIAL (C-V) LAND USE DISTRICT SUBJECT TO A SPECIAL USE PERMIT.**

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; and

(iii) Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Section A.3 of Table 9.35.030-A as it relates to the regulations for emergency shelters in the Village Commercial land use district; and

(iv) On October 14, 2011, Development Code Amendment No. 2011-01 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 October 5, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-01, receiving testimony from the public; and

(vii) Development Code Amendment No. 2011-01 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. 2011-01 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan while still protecting the property values and providing an improved living environment for all Apple Valley residents.

(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. 2011-01 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

(iii) The change proposed to the Development Code provides a community service within the Village Commercial Land Use District, where a need has been identified and shall not be detrimental to the health, safety or general welfare of the citizens of the Town of Apple Valley.

**Section 3.** Amend Section A.3 of Table 9.35.030-A “Permitted Uses” of Title 9 Development Code to read as follows:

**Table 9.35.030-A Permitted Uses**

TYPE OF USE <sup>(1)</sup>	DISTRICT <sup>(1)</sup>					
	O-P	C-G	C-S	C-R	C-V	M-U
<i>A. Residential Uses</i>						
3. Emergency shelters/transitional housing <sup>(2)</sup>	-	-	SUP	-	SUP	-

(2) Fees Waived

**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.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 8<sup>th</sup> day of November, 2011.

ATTEST:

\_\_\_\_\_  
Scott Nassif, Mayor

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. John Brown, Town Attorney

\_\_\_\_\_  
Mr. Frank Robinson, Town Manager

Council Meeting Date: 11/8/11