



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** July 24, 2012

From: Lori Lamson **Item No:** 3
Assistant Director of Community Development

Subject: ADOPT ORDINANCE NO. 434 – AN ORDINANCE OF THE TOWN OF APPLE VALLEY AMENDING THE ZONING MAP BY CHANGING THE ZONING DESIGNATIONS FROM R-E TO R-SF FOR THE PROPOSED SUBDIVISION LOCATED SOUTH OF SITTING BULL ROAD AND EAST OF APPLE VALLEY ROAD; APNS 3087-161-05 AND 09.

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 434

SUMMARY:

At its July 10, 2012 meeting, the Town Council reviewed and introduced Ordinance No. 434, which amends the Zoning Map by changing the zoning designation from Residential Estate (R-E) (1 dwelling unit per 1 to 2.5 acres) to Residential Single-Family (1 dwelling unit per 0.4 to 0.9 net acres) for the property identified as APNs 3087-161-05 and 09 located south of Sitting Bull Road and east of Apple Valley Road. As part of the requirements to adopt any new Ordinance, Ordinance No. 434 has been scheduled for adoption at the July 24, 2012 Town Council meeting.

FISCAL IMPACT:

Not Applicable

Attachments:

Ordinance No. 434

ORDINANCE No. 434

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES). APNs: 3087-161-05 and 09

WHEREAS, 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

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 Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF) as shown on Exhibit "A", and incorporated herein by reference; and

WHEREAS, on June 16, 2012, Zone Change No. 2010-02 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on July 10, 2012 the Town Council overturned the January 18, 2012, Planning Commission of the Town of Apple Valley denial of Zone Change No. 2010-02; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it, including the Initial Study and Mitigation on file with the Economic and Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Mitigated Negative Declaration reflects its independent judgment. A copy of the Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring Program may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

WHEREAS, on July 10, 2012, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2010-02, receiving testimony from the public.

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Zone Change No. 2010-02 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2010-02 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with General Plan Amendment No. 2010-02.

Section 3. The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF)) as shown on attached Exhibit "A", and incorporated herein by reference.

Section 4. 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 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. 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 to by the Town Clerk this 24th day of July, 2012.

ATTEST:

Barb Stanton, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

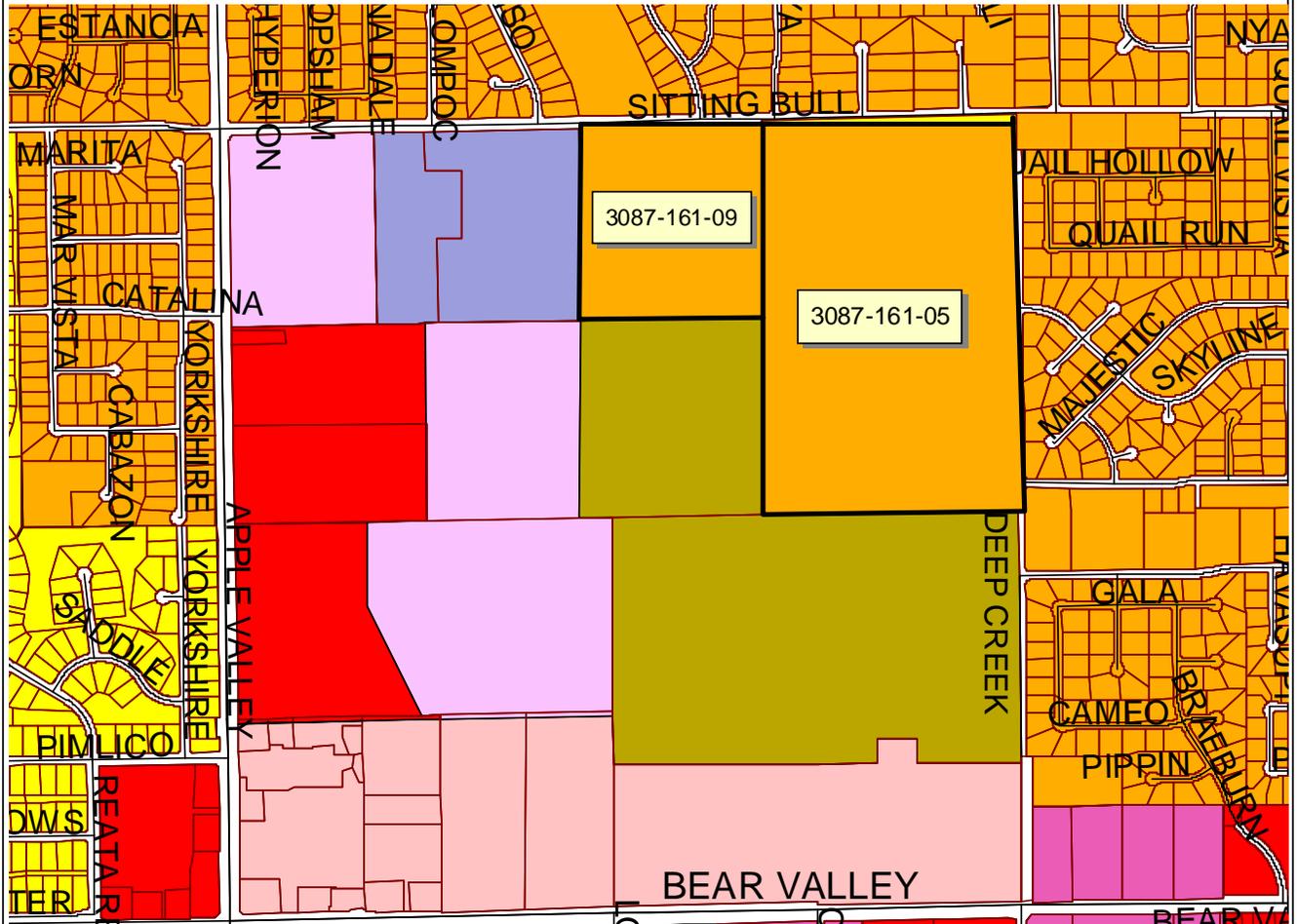
APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager

Exhibit "A"

Zone Change to Residential Single Family (R-SF) APNs 3087-161-05 & -09



Residential Districts

- (R-VLD) Very Low Density Residential (1du/5+ per gross acre)
- (R-A) Residential Agriculture (1du/2.5 gross ac)
- (R-LD) Low Density Residential (1 du/2.5 to 5 gross ac)
- (R-E) Estate Residential (1 du/1 to 2.5 gross ac)
- (RE-3/4) Estate Residential 3/4 (1 du/0.75 net ac)
- (R-EQ) Equestrian Residential (1 du/0.4 to 0.9 net ac)
- (R-SF) Single Family Residential (1du/0.4 to 0.9 net ac)
- (R-M) Multi-Family Residential (2 to 20 du/net ac)
- (MHP) Mobile Home Park
- (PRD) Planned Residential Development
- Commercial/Office Districts**
- (C-G) General Commercial
- (C-V) Village Commercial
- (C-S) Service Commercial
- (O-P) Office Professional
- (C-R) Regional Commercial

Industrial Districts

- (I-P) Planned Industrial
- (I-RE) Resource Extraction

Other Districts

- (P-F) Public Facilities
- (OS-C) Open Space Conservation
- (OS-R) Open Space Recreation
- (M-U) Mixed Use
- (SP) Specific Plan

Overlay Districts

- (A-1) Airport Overlay District
- (A-2) Airport Overlay District
- (F-H) Flood Hazard Overlay District
- (FH-L) Flood Hazard Lake Overlay District

