

ORDINANCE NO. 377

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 VARIOUS SECTIONS OF THE CODE AS THEY RELATE TO GIVING THE AUTHORITY TO THE ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR TO REVIEW AND APPROVE DEVELOPMENT PERMITS FOR SMALL COMMERCIAL, OFFICE AND INDUSTRIAL DEVELOPMENT THAT IS LESS THAN 50,000 SQUARE FEET IN SIZE WITHIN CODE SECTION 9.17 “DEVELOPMENT PERMITS”.

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 paragraph 1 of subsection A and paragraph 2 of subsection B of Section 9.17.020 “Applicability” of Chapter 9.17 “Development Permits” as it relates to giving the Economic and Community Development Director the authority to review and approve Development Permits for the small commercial, office and industrial development that is less than 50,000 square feet in size.

(iv) On February 15, 2008, Development Code Amendment No. 2007-021 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 December 5, 2007 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development

Code Amendment No. 2007-021, receiving testimony from the public and adopted Planning Commission Resolution No. 2007-027 recommending adoption of this Ordinance; and

(vii) Development Code Amendment No. 2007-021 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. 2007-021 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 paragraph 1 of subsection A and paragraph 2 of subsection B of Section 9.17.020 “Applicability” of Chapter 9.17 “Development Permits” of the Town of Apple Valley Development Code to read as follows:

9.17.020 Applicability

A Development Permit allows for the architectural/aesthetic review of structures permitted by this Code for the various zoning districts. A Development Permit is not required if a Conditional Use Permit has been submitted and approved where the Commission has addressed the aesthetics and site design issues required under a Development Permit.

A. A Development Permit approved by the Director shall be required for:

1. All new commercial, office and industrial development below 50,000 square feet.

B. A Development Permit approved by the Planning Commission shall be required for:

2. All new commercial, office and industrial development 50,000 square feet and above.

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 11th day of March, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James L. Cox, Town Manager