



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: January 27, 2015

From: Lori Lamson, Assistant Town Manager

Item No: 13

Subject: A REQUEST TO CONSIDER AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING SECTION 9.74.160 "TEMPORARY REAL ESTATE SIGNS" OF CHAPTER 9.74 "SIGNS AND ADVERTISING DISPLAYS"

T.M. Approval: _____

Budgeted Item: Yes No N/A

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 because 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. 466, in its entirety, and read by title only.
5. **Introduce** Ordinance No. 466, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.74.160 "Temporary Real Estate Signs" of Chapter 9.74 "Signs and Advertising Displays".
6. **Direct** staff to file a Notice of Exemption.

SUMMARY STATEMENT:

On December 10, 2014, the Town Council adopted a comprehensive update to Development Code Chapter 9.74, "Signs and Advertising Displays" with an effective date of February 14, 2014. It was the Planning Commission's recommendation, and with Town Council concurrence, temporary real estate signs were removed from consideration. On July 16, 2014, the Planning Commission conducted a duly noticed public workshop to solicit comments and suggestions for the public regarding the Town's policies that regulate temporary real estate signs. The workshop resulted in a constructive dialog between the Commission and members of the real estate community.

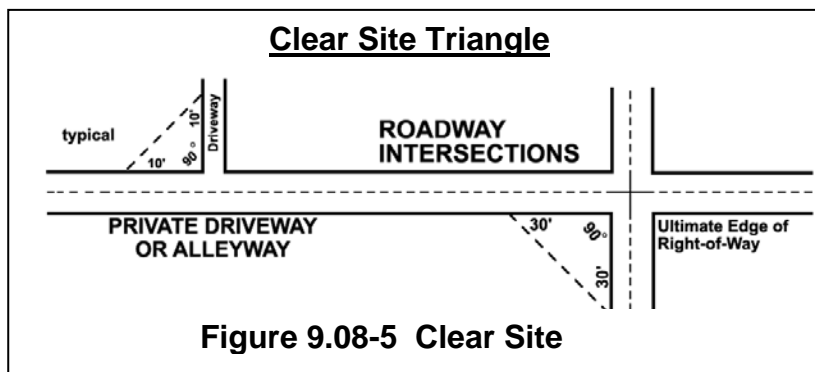
At the August 20, 2014 Planning Commission meeting, staff presented the proposed modifications as discussed during the July 16th workshop. Following the public hearing and subsequent Commission discussion, the Planning Commission approved Development Code Amendment 2014-002 and adopted Planning Commission Resolution No. 2014-003, which recommends the following modifications relating to temporary real estate signs:

1. Consolidation of the general requirements and separation of residential and commercial standards.
2. Amending the timeframes and triggers for removal.
3. Provisions and standards for sign riders have been added.
4. Prohibiting signs in the clear site triangle and adding explanations and definition of a clear site triangle.
5. Allowing on-site residential real estate signs along park or golf course frontage, where applicable.
6. An increase in the number of flags permitted for an open house from two (2) to four (4).
7. Allowing two (2) non-residential real estate signs per street frontage with a separation distance of 600 feet.
8. Commercial sign area and height will be based upon lot area with any reference to vacant vs. occupied parcel being removed.
9. Removal of any requirement for a sign permit where previously necessary. Added requirement that all signs comply with the Uniform Building Code.

The current Section 9.74.161 “Temporary Real Estate Signs” would need to be modified as shown below. All underlined text are proposed additions and ~~strikethrough~~ text are proposed deletions to the Code.

9.74.160 TEMPORARY REAL ESTATE SIGNS

- A. **General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements: ~~except temporary signs for residential subdivisions for which regulations are contained in Section 9.74.150 above.~~
1. Signs shall be removed within ~~three (3)~~ ten (10) days following the close of escrow, ~~or completion of the rental or lease agreement, or once the property is no longer listed for lease or sale.~~ has been accomplished.
 2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
 3. Any free-standing sign in excess of eighteen (18) square feet shall require both a sign permit and building permit. ~~Signs shall not exceed a maximum height of six (6) feet, except for vacant commercial and industrial parcels as described in paragraphs b, c, and d below.~~
 4. Except as specified herein, Sign permits are not required for these temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.
 5. These Signs applicable to this section may be utilized to identify future tenants.
 6. One (1) added sign, commonly referred to as a “rider” not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
 7. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
 8. Sign illumination is prohibited.
 9. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the inter-section of the two right-of-way lines.



B. Signs for Residential Property and Uses Onsite Free-Standing Signs

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained within Section 9.74.150, Temporary Subdivision and Model Home Signs.
2. A maximum of one (1) temporary, on-site free-standing sign per street frontage, and per park or golf course frontage, may be allowed for a parcel in any district.
3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.

C. Signs for Non-Residential Property or Uses

1. The maximum area and height of any freestanding sign shall be as follows:
 - ~~a.~~ ~~The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet, except for vacant commercial and industrial parcels, then as described in paragraphs b, c, and d, which follow:~~
 - ~~b.~~ ~~On parcels greater than two (2) acres but less than eight (8) fifteen (15) acres in size located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixteen (16) twenty-four (24) square feet and the maximum height shall be six (6) feet.~~
 - ~~c.~~ ~~On parcels, eight (8) acres or larger, but less than fifteen (15) acres in size, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be thirty-two (32) square feet and the maximum height shall be six (6) feet;~~
 - ~~d.~~ ~~On parcels, or contiguous parcels within the same center, fifteen (15) acres or larger, and located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.~~
2. A maximum of ~~one (1)~~ two (2) temporary, on-site free-standing signs per street frontage may be allowed. ~~for a parcel in any district.~~
3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. ~~**Window Signs.** In commercial and industrial zones, temporary window signs advertising the sale, lease or rental of units may be allowed. The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.~~

6. **Wall Signs.** ~~In commercial and industrial zones a temporary wall sign may be displayed, advertising the building or unit for sale, rent, or lease subject to the following:~~
 - a. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - b. Signs shall be constructed of ~~wood or similar,~~ a durable material and shall be maintained in good condition;
 - c. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
 - d. ~~Signs shall be removed within three (3) days of close of escrow or following the completion of the lease or rental.~~
7. **Existing, permanent signage may not be utilized for the display of temporary real estate advertising.**

D. Open House Directional Signs

1. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;
 - e. Signs may be placed on private property with the permission of the property owner;
 - f. Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;
 - g. Signs in violation of this Section may be subject to removal and disposition without notice or warning.
2. **Temporary On-site Open House Signs**
 - a. ~~Two~~ Four (4) flags, ~~per street frontage~~ with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.
 - b. One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet.

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.

1. 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 regulating signage within the Town of Apple Valley will help maintain a quality street scene.

2. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Amendment No. 2014-002 will modify the Town's Development Code by revising standards specific to temporary real estate signs. The proposed revisions to the sign regulations 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. 2014-002 was advertised as a public hearing in the Apple Valley News newspaper on January 16, 2015 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

ENVIRONMENTAL REVIEW:

Staff has determined that 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.

FISCAL IMPACT:

Not Applicable.

ATTACHMENTS:

1. Draft Ordinance No. 466
2. Planning Commission Staff Report and Minutes for July 16, 2014
3. Planning Commission Staff Report and Minutes for August 20, 2014
4. Planning Commission Resolution No. 2014-003

ORDINANCE NO. 466

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 MODIFYING SECTION 9.74.160 “TEMPORARY REAL ESTATE SIGNS” OF CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS”.

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 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to the regulations applicable to all temporary real estate signs; and

WHEREAS, on August 20, 2014, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2014-002 receiving testimony from the public and adopting Planning Commission Resolution No. 2014-003 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2014-002 is consistent with the Town’s General Plan and 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; and

WHEREAS, 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

WHEREAS, On January 16, 2015, Development Code Amendment No. 2014-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on January 27, 2015, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2014-002, 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. Find that the changes proposed by Development Code Amendment No. 2014-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

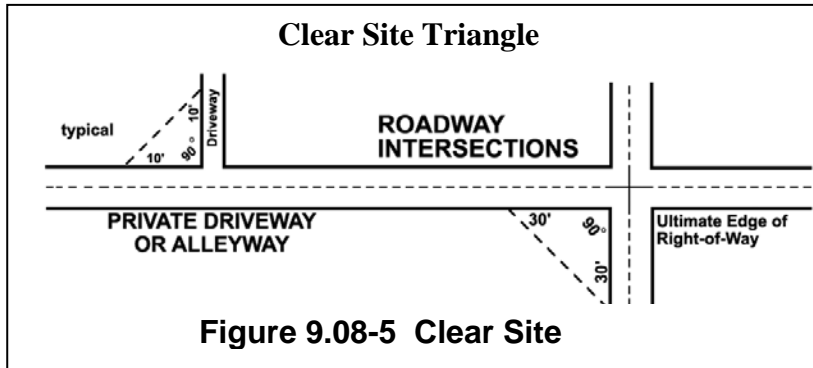
Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2014-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.74.160 "Temporary Real Estate Signs" of the Development Code to read as follows:

"9.74.160 TEMPORARY REAL ESTATE SIGNS

- A. General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements:
1. Signs shall be removed within ten (10) days following the close of escrow, completion of the rental or lease agreement, or once the property is no longer listed for sale or lease.
 2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
 3. Sign permits are not required for temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.
 4. Signs applicable to this section may be utilized to identify future tenants.
 5. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
 6. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
 7. Sign illumination is prohibited.

8. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the intersection of the two right-of-way lines.



B. Signs for Residential Property and Uses

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained within Section 9.74.150, *Temporary Subdivision and Model Home Signs*.
2. A maximum of one (1) temporary, on-site free-standing sign per street frontage and per park or golf course frontage may be allowed for a parcel in any district.
3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.

C. Signs for Non-Residential Property or Uses

1. The maximum area and height of any free standing sign shall be as follows:
 - a. On parcels less than fifteen (15) acres in size located in commercial and industrial zones, the maximum area of any sign shall be twenty-four (24) square feet and the maximum height shall be six (6) feet.
 - b. On parcels or contiguous parcels within the same center of fifteen (15) acres or larger, and located in commercial and industrial zones, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.
2. A maximum of two (2) temporary, on-site free-standing signs per street frontage may be allowed.

3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. **Window Signs.** The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.
6. **Wall Signs.**
 - a. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - b. Signs shall be constructed of a durable material and shall be maintained in good condition;
 - c. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
7. Existing, permanent signage may not be utilized for the display of temporary real estate advertising.

D. Open House Directional Signs

1. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;

- e.* Signs may be placed on private property with the permission of the property owner;
- f.* Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;
- g.* Signs in violation of this Section may be subject to removal and disposition without notice or warning.

2. *Temporary On-site Open House Signs*

- a.* Four (4) flags, with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.
- b.* One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet."

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 and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 10th day of February, 2015.

ATTEST:

Larry Cusack, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	July 16, 2014
CASE NUMBER:	Workshop – Temporary Real Estate Signs
APPLICANT:	Town of Apple Valley
PROPOSAL:	Discussion of development standards and permitting requirements for temporary real estate signs within the Town of Apple Valley that may result in a proposed Development Code Amendment.
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations.
EXISTING ZONING:	All Zoning Designations.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Discuss the information presented, take public testimony and provide direction to staff.

BACKGROUND

On December 10, 2014, the Town adopted a comprehensive update to the Development Code Section 9.74, "Signs and Advertising Displays" that went into effect on February 14, 2014. It was the Planning Commission's recommendation, and with Town Council concurrence, to remove temporary real estate signs from the comprehensive update. Prior to modifying the development standards relating to temporary real estate signs, it was the desire of the Commission to solicit comments and suggestions from the real estate community prior to submitting a formal recommendation to the Town Council for its consideration.

DISCUSSION

This workshop has been scheduled to solicit comments and suggestions from the public regarding the Town's policies that regulate temporary real estate signs. Staff has identified several issues directly related to temporary real estate signs. The following issues are presented as a starting point for discussion:

- Temporary real estate signs that are not removed in a timely manner;
- Real estate and property management companies, and subsequent tenants utilizing temporary real estate sign structures as permanent, free-standing advertising displays;
- Continued non-compliance with the Town's standards involving to the size and height of temporary real estate signs.

Below are suggested modifications for the Commission's consideration identified by strike through and underlined text. Any staff analysis will be within a comment box.

9.74.160 TEMPORARY REAL ESTATE SIGNS

A. **General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements, except temporary signs for residential subdivisions for which regulations are contained in Section 9.74.150 above.

1. Signs shall be removed within three (3) days following the close of escrow or completion of the rental or lease has been accomplished or once the multiple listing service no longer identifies the property as available.

Prompt removal of temporary real estate signs, will preclude the sign's use as a permanent free-standing sign by a future tenant/owner. Staff would invite additional discussion relating to standards that would assist with matters of enforcement.

2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
3. Any free-standing sign in excess of eighteen (18) square feet shall require both a sign permit and building permit. Signs shall not exceed a maximum height of six (6) feet, except for vacant commercial and industrial parcels as described in paragraphs b, c, and d below.
4. Except as specified herein, permits are not required for these signs.
5. These signs may also be utilized to identify future tenants.
6. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
7. Sign illumination is prohibited.

While not currently addressed within the Code, the Commission should consider standards for permanent, management company signage. Multi-family projects with two (2) to sixteen (16) units are required to have three (3) square feet of signage containing emergency contact information.

B. **On-site Free-Standing Signs**

1. A maximum of one (1) temporary, on-site free-standing sign per street frontage may be allowed for a parcel in any district.

2. The maximum area and height of any sign shall be as follows:

Staff was unable to locate any commercial real estate signs in conformance with this Chapter. The Commission should consider the existing standards relating to size and height, providing direction to staff as appropriate.

- a. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet, except for vacant commercial and industrial parcels, then as described in paragraphs b, c, and d, which follow:
 - b. On parcels greater than two (2) acres but less than eight (8) acres in size located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixteen (16) square feet and the maximum height shall be six (6) feet;
 - c. On parcels, eight (8) acres or larger, but less than fifteen (15) acres in size, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be thirty-two (32) square feet and the maximum height shall be six (6) feet;
 - d. On parcels fifteen (15) acres or larger, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.
3. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
- C. **Window Signs.** In commercial and industrial zones, temporary window signs advertising the sale, lease or rental of units may be allowed. The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.

Code enforcement had a recent case with a temporary real estate sign attached to the wall of a single-family home. There was no specific Code section that could be cited; therefore, staff is recommending this additional language for clarification purposes.

- D. **Wall Signs.** Wall signs advertising residential properties for sale or lease are not permitted. In commercial and industrial zones a temporary wall sign may be displayed, advertising the building or unit for sale, rent, or lease subject to the following:
1. Sign area shall not exceed one-half ($\frac{1}{2}$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 2. Signs shall be constructed of wood or similar, durable material and shall be maintained in good condition;
 3. Signs shall be removed within three (3) days of close of escrow or following the completion of the lease or rental, or once the multiple listing service no longer identifies the property as available.

E. **Open House Directional Signs**

The Commission may wish to consider adding additional criteria, such as distance from the location of the open house and the number of directional signs that should be permitted per open house.

1. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall

not be posted within twenty-five (25) feet of the corner;

- c.* Signs may not be posted more than four (4) days per week for any one residence;
- d.* Signs must be within a one-half (1/2) mile radius of the open house;
- e.* Signs shall not be placed within the public right-of-way;
- f.* Signs may be placed on private property with the permission of the property owner;
- g.* Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;
- h.* Signs in violation of this Section may be subject to removal and disposition without notice or warning.

2. Temporary On-site Open House Signs

- a.* Two flags, per street frontage with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.
- b.* One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet.

RECOMMENDATION

Following receipt of staff comments, any public comments and discussion by the Commission, it is recommended that the Commission, by consensus, provide guidance to staff to create appropriate language to be prepared within a draft Planning Commission Resolution. Staff will then schedule a public hearing and return to the Planning Commission with a resolution for consideration. After Planning Commission adoption of the Resolution, it would then be forwarded to the Council for consideration and final action.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

MINUTES EXCERPT

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting (Workshop) Wednesday, July 16, 2014

CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for July 16, 2014, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner, Mark Shoup, Commissioner B.R. "Bob" Tinsley and Chairman Bruce Kallen. Absent: Vice-Chairman Doug Qualls

STAFF PRESENT

Carol Miller, Principal Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

PUBLIC HEARING ITEMS

- 2. Temporary Real Estate Signs.** A discussion of development standards and permitting requirements for temporary real estate signs within the Town of Apple Valley, which may result in a proposed Development Code Amendment.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 6:06 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Haviva Shane, Town Attorney, stated on the record for the public's benefit, that none of the members of the Planning Commission appear to have any conflict of interest concerns pertaining to the item before the Commission tonight.

PUBLIC COMMENTS

Ms. Keri Leon, Agio Real Estate, Apple Valley CA expressed her concerns and requested clarification on a number of the changes proposed pertaining to the temporary real estate regulations.

Mr. Don Jensen, Century 21 Rose Realty, Hesperia, CA. recommended a number of flags posted for an open house and wanted clarification on height restrictions for a marquee-type sign.

Mr. Cecil Volsch, Real Estate Broker, Apple Valley, CA requested that clarification be written in the Code about sign riders.

Ms. Lori Hitt, Agio Real Estate, Apple Valley, CA suggested an area greater than one (1) mile to post open house signs in order to direct traffic to that neighborhood.

Mr. Steve Alldis, Real Estate Broker, Apple Valley, CA explained the use of sign riders.

Ms. Janie Phillips, Century 21 Fairway Realty, Apple Valley, CA provided statistics comparing the decline in sales and explained to the Planning Commission that signs are the best marketing tool.

The Planning Commission took this opportunity to review Development Code Section 9.74.160 Temporary Real Estate Signs, section-by-section and line-by-line with the following direction provided to staff:

- A.1. “Signs shall be removed within ten (10) days following the close of escrow or completion of the rental or lease has been accomplished or once the Multiple Listing Service no longer identifies the property as available (or the property is not otherwise sold or leased).”
- A.3. Strike this language.
- A.4. Strike this language.
- A.5-7 Reword this section’s language and consolidate these three (3) sections into one (1).
- B.1. “A maximum of one (1) temporary, on-site, free-standing sign per street frontage may be allowed for a parcel in any district, with a six-hundred (600) foot separation on the same parcel with no more than two (2) signs per parcel.”
- B.1.a. “The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet for residential parcels. Signs for vacant commercial and industrial parcels, then as described in paragraphs b, c, and d, which follow.”
- B.1.d. Add language to this section identifying that it is subject to the Uniform Building Code guidelines and only dictates commercial and industrial zones along major arterials.
- D.2. Direct staff to come up with language addressing banner sign deviations with no banners allowed in residential zones.
- D.3. Strike this language.
- Directed staff to add language identifying a five (5)-foot setback for commercial property signs preventing signs from block blocking an entrance or exit.

- E.2.a. “Four (4) flags, per street frontage with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.”
- Directed staff to bring back language addressing signs for golf course residential properties.
- Directed staff to bring back language addressing marquee signs relating to multi-tenant buildings.
- Directed staff to bring back language addressing swing signs.

Members of the public provided additional input on some of the proposed changes to the Development Code as they relate to Temporary Real Estate Signs, This prompted extensive discussion among the public, and Planning Commission regarding general requirements, on-site freestanding signs, window signs, wall signs, open house directional signs and temporary on-site open house signs.

PUBLIC COMMENTS

The following members of the public took this opportunity to ask questions regarding “For Sale” signs, additional types of signs and what, if any, notice of violations would be issued if signs were not removed after the required timeframe.

Ms. Keri Leon, Agio Real Estate, Apple Valley CA
Ms. Janie Phillips, Century 21 Fairway Realty, Apple Valley, CA
Mr. Don Jensen, Century 21 Rose Realty, Hesperia, CA
Mr. John Conley, Apple Valley, CA
Mr. Cecil Volsch, Real Estate Broker, Apple Valley, CA
Mr. Jack Harrison, Apple Valley, CA
Ms. Lori Hitt, Agio Real Estate, Apple Valley, CA

Chairman Kallen closed the public hearing at 8:02 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Bring this item back to the Planning Commission as an advertised Public Hearing.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Chairman Kallen

Noes: None

Abstain: None

Absent: Vice-Chairman Qualls

The motion carried by a 4-0-0-1 vote.

**MINUTES
EXCERPT**

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, August 20, 2014**

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for August 20, 2014, was called to order by Vice-Chairman Qualls.

PUBLIC HEARING ITEMS

- 3. Development Code Amendment No. 2014-002.** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending subsection 9.74.160 "Temporary Real Estate Signs" within Section 9.74 "Signs and Advertising Displays."
Applicant: Town of Apple Valley
Location: Town-wide

Vice-Chairman Qualls opened the public hearing at 6:03 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp informed the Planning Commission what changes were made to the Development Code Amendment per the Planning Commission's direction at the July 16, 2014 workshop. Items included within the amendment were:

- Consolidation of the general requirements amending the timeframes and triggers for removal and provisions that signs comply with the Uniform Building Code.
- Provisions and standards for sign riders.
- Prohibiting signs in the clear site triangle and adding explanations and definition of a clear site triangle.
- Separation of residential and non-residential standards.
- Allowing two (2) non-residential real estate signs per street frontage with a separation distance and two (2) additional flags for residential open houses.
- Any reference to vacant or unoccupied buildings for non-residential signs be eliminated and that non-residential lots, less than eight (8) acres, be allowed sign area of sixteen (16) square feet and six (6) feet in height.

The Planning Commission recommended two (2) signs be allowed for residential properties located on a golf course, public parks and lakes.

Discussion ensued regarding Section 9.74.160 "Temporary Real Estate Signs" with the consensus of the Planning Commission to modify additional sections as follows:

- B.(2) – "A maximum of one (1) temporary on-site free-standing sign per street frontage and one (1) temporary on-site free-standing sign per park and golf course frontage may be allowed for a parcel in any district".
- B. (5) – Strike the item relating to riders as it is a duplication of regulations.
- C. (b) – Strike the item.
- C. (a) - Modify to read "On parcels less than fifteen (15) acres in size located in commercial and industrial zones, the maximum area of any sign shall be twenty-four (24) square feet and the maximum height shall be six (6) feet".
- C. (c) – This section is now 9.74.160 C.(b) and modified to read "On parcels or contiguous parcels within the same center fifteen (15) acres or larger, located in commercial and industrial zones, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet".

Vice-Chairman Qualls closed the public hearing at 6:27 p.m.

MOTION:

Motion by Commissioner Shoup, seconded by Commissioner Tinsley, that the Planning Commission move to:

1. Adopt Planning Commission Resolution No. 2014-003, as amended, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls

Noes: None

Abstain: None

Absent: Chairman Kallen

The motion carried by a 4-0-0-1 vote.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE:	August 20, 2014
CASE NUMBER:	Development Code Amendment No. 2014-002
APPLICANT:	Town of Apple Valley
PROPOSAL:	A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending subsection 9.74.160 "Temporary Real Estate Signs" within Section 9.74 "Signs and Advertising Displays".
LOCATION:	Town-wide
EXISTING GENERAL PLAN DESIGNATIONS:	All Land Use Designations.
EXISTING ZONING:	All Zoning Designations.
ENVIRONMENTAL DETERMINATION:	Staff has determined that 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.
PROJECT PLANNER:	Ms. Pam Cupp, Associate Planner
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2014-003.

BACKGROUND

On July 16, 2014, the Planning Commission conducted a duly noticed, public workshop to solicit comments and suggestions from the public regarding the Town's policies that regulate temporary real estate signs. The workshop resulted in a constructive dialog between the Commission and members of the real estate community. The discussion concluded with the Commission directing staff to draft a Planning Commission Resolution for its consideration

DISCUSSION

Staff was directed to bring back suggested modifications relating to the following:

Consolidation of General Requirement

Standards applicable to both residential and non-residential uses are located under "General Requirement".

Sign removal time frames and triggers

The timeframe required for removal has been increased to ten (10) days. Language has been added for the removal of a sign once the property is no longer listed for lease or sale.

Compliance with Uniform Building Code

Staff removed any provisions for a sign permit based upon sign area and added a requirement that all signs be permitted and constructed in compliance with the Uniform Building Code.

Sign Riders

The workshop included much discussion about "sign riders". Staff recommends the Commission include a general requirement that permits one (1) such rider on any sign. The "rider" will not be counted towards maximum size area.

Sign placement within the clear site triangle

Language has been added to general requirements prohibiting sign installation within the clear site triangle in addition to a definition and visual graphic of a clear site triangle.

Residential real estate signs

Staff was asked to research other communities and provisions related to residential real estate signs placed for visibility along a golf course. No provisions were located and staff does not believe the golf course or other parks should become a targeted audience for temporary real estate sign. No change is recommended.

The Commission briefly discussed property management signage for multi-family projects without an on-site manager. These types of signs are more permanent in nature and should not be categorized as temporary real estate signs. Development Code Amendment 2014-002 has been advertised as an amendment to temporary real estate signs; therefore, staff would recommend any modifications relating to property management signage be accomplished through a separate Development Code Amendment.

Separate sections for residential and commercial standards

Sign standards applicable to residential and non-residential uses have been separated accordingly.

Suggested modifications for non-residential real estate signs

Staff recommends removal of the six (6) square foot size limitation for non-residential uses. Staff is further recommending that sign area correlate to lot size only. Any reference to vacant, occupied or unoccupied parcels has been removed.

The number of signs permitted per street frontage has been increased to two (2) signs with a minimum separation distance of 600 feet for signs located on a single parcel.

The Commission asked that Staff research the possibility of utilizing existing signage (marquis) for multi-tenant buildings and centers for temporary real estate signs. The Code has provisions that require empty commercial units and building blank out the signage after 90 days and removed such signage after 180 days. Staff does not wish to recommend the use of existing signage as temporary real estate signage and is recommending language be added to prohibit such use.

Open house signs

Staff has modified the language to allow for a maximum of four (4) flags for every open house. Any reference to number of flags per street frontage has been removed.

Sign size correlating to street type (local vs. secondary or major arterials)

Research did not reveal any jurisdictions that had provisions related to street type. However, the Town's Code does make the following provision:

Civic Event Signs located in nonresidential districts, and on vacant property in residential districts that are located on major divided, major or secondary roads, as indicated in the General Plan, signs may have a maximum area of twenty-four (24) square feet with a maximum height of eight (8) feet for free-standing signs.

Temporary Political signs in nonresidential districts, and on vacant property in residential districts that is located on major divided, major or secondary roads, as indicated in the General Plan, signs shall have a maximum area of eighteen (18) square feet with a maximum height of six (6) feet for free-standing signs.

Temporary subdivision and model home signs along a secondary, major or major divided road may be permitted on one (1) free-standing sign on such a road with a maximum area of thirty-two (32) square feet and a maximum height of six (6) feet.

Staff was unable to locate provisions within other communities correlating temporary real estate signage to road type or speed limits; therefore, no change is recommended.

Staff is offering for the Commission's consideration the following amended language as identified by strike through and underlined text. Any staff analysis will be within a comment box.

9.74.160 TEMPORARY REAL ESTATE SIGNS

Standards applicable to residential and non-residential uses are located under "General Requirement".

- F. **General Requirements.** All temporary sale, lease or rent signs shall be subject to the following requirements: ~~except temporary signs for residential subdivisions for which regulations are contained in Section 9.74.150 above.~~

The timeframe required for removal has been increased to ten (10) days. Language has been added for the removal of a sign once the property is no longer listed for lease or sale.

1. Signs shall be removed within ~~three (3)~~ ten (10) days following the close of escrow, ~~or~~ completion of the rental or lease agreement, ~~or once the property is no longer listed for sale or lease, has been accomplished.~~
2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
3. ~~Any free standing sign in excess of eighteen (18) square feet shall require both a sign permit and building permit. Signs shall not exceed a maximum height of six (6) feet, except for vacant commercial and industrial parcels as described in paragraphs b, c, and d below.~~

Staff removed any provisions for a sign permit based upon sign area and added a requirement that all signs be permitted and constructed in compliance with the Uniform Building Code.

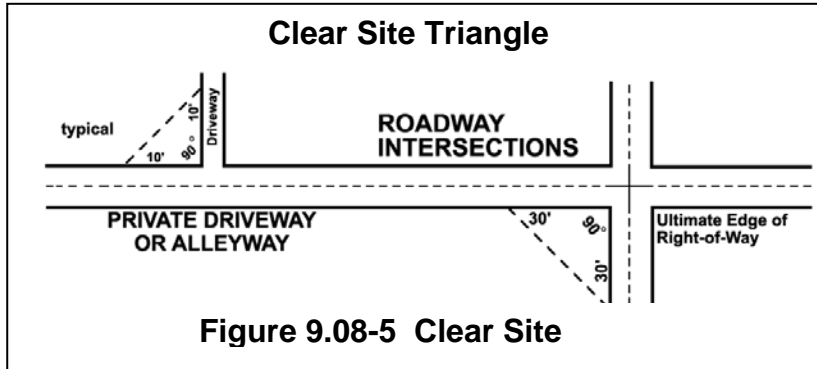
4. ~~Except as specified herein,~~ Sign permits are not required for ~~these~~ temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.
5. ~~These~~ Signs applicable to this section may be utilized to identify future tenants.

The workshop included much discussion about "sign riders". Staff recommends the Commission include a general requirement that permits one (1) such rider on any sign. The "rider" will not be counted towards maximum size area.

6. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
7. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
8. Sign illumination is prohibited.

Language has been added to general requirements prohibiting sign installation within the clear site triangle in addition to a definition and visual graphic of a clear site triangle.

9. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the intersection of the two right-of-way lines.



Sign standards applicable to residential and non-residential uses have been separated accordingly.

G. Signs for Residential Property and Uses Onsite-Free-Standing Signs

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained within Section 9.74.150, Temporary Subdivision and Model Home Signs.
2. A maximum of one (1) temporary, on-site free-standing sign per street frontage may be allowed for a parcel in any district.
3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.
5. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached.

H. Signs for Non-Residential Property or Uses

1. The maximum area and height of any freestanding sign shall be as follows:

Staff recommends removal of the six (6) square foot size limitation for non-residential uses. Staff is further recommending that sign area correlate to lot size only. Any reference to vacant, occupied or unoccupied parcels has been removed.

~~e. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet, except for vacant commercial and industrial parcels, then as described in paragraphs b, c, and d, which follow:~~

~~f. On parcels greater than two (2) acres but less than eight (8) acres in size located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be sixteen (16) square feet and the maximum height shall be six (6) feet.~~

~~g. On parcels, eight (8) acres or larger, but less than fifteen (15) acres in size, located in commercial and industrial zones, which are vacant or have no buildings which are occupied, the maximum area of any sign shall be thirty-two (32) square feet and the maximum height shall be six (6) feet;~~

~~h. On parcels fifteen (15) acres or larger, located in commercial and industrial~~

zones, ~~which are vacant or have no buildings which are occupied,~~ the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.

The number of signs permitted per street frontage has been increased to two (2) signs with a minimum separation distance of 600 feet for signs located on a single parcel.

2. A maximum of ~~one (1)~~ two (2) temporary, on-site free-standing signs per street frontage may be allowed. ~~for a parcel in any district.~~
3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. **Window Signs.** ~~In commercial and industrial zones, temporary window signs advertising the sale, lease or rental of units may be allowed.~~ The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.
6. **Wall Signs.** ~~In commercial and industrial zones a temporary wall sign may be displayed, advertising the building or unit for sale, rent, or lease subject to the following:~~
 - b. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - c. Signs shall be constructed of ~~wood or similar,~~ a durable material and shall be maintained in good condition;
 - d. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
 - e. ~~Signs shall be removed within three (3) days of close of escrow or following the completion of the lease or rental.~~

The Commission asked that Staff research the possibility of utilizing existing signage (marquis) for multi-tenant buildings and centers for temporary real estate signs. The Code has provisions that require empty commercial units and building blank out the signage after 90 days and removed such signage after 180 days. Staff does not wish to recommend the use of existing signage as temporary real estate signage and is recommending language be added to prohibit such use.

7. Existing, permanent signage may not be utilized for the display of temporary real estate advertising.

I. Open House Directional Signs

3. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;

e. Signs may be placed on private property with the permission of the property owner;

f. Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;

g. Signs in violation of this Section may be subject to removal and disposition without notice or warning.

4. Temporary On-site Open House Signs

a. ~~Two~~ Four (4) flags, ~~per street frontage~~ with a maximum area of three (3) square feet each and a maximum height of six (6) feet, may be allowed on the lot where the open house is conducted.

b. One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the information forwarded to the Council for consideration.

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 regulating signage within the Town of Apple Valley will help maintain a quality street scene.

B. The proposed amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: Amending the Code as proposed under Amendment No. 2014-002 will modify the Town's Development Code by revising updating temporary real estate sign regulations. The proposed revisions 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. 2014-002 was advertised as a public hearing in the Apple Valley News newspaper on August 8, 2014. Additionally, staff mailed notices to a list a local real estate professionals and emailed notices for mass distribution to the members of the Victor Valley Association of Realtors.

ENVIRONMENTAL REVIEW

Staff has determined that 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.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2014-003, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Carol Miller
Principal Planner

Attachment:
Draft Planning Commission Resolution No. 2014-003

PLANNING COMMISSION RESOLUTION NO. 2014-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2014-002 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.160 "TEMPORARY REAL ESTATE SIGNS" OF CHAPTER 9.74, "SIGNS AND ADVERTISING DISPLAYS".

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 Title 9 "Development Code" of the Town of Apple Valley Municipal Code by comprehensively amending Chapter 9.74; and,

WHEREAS, on August 8, 2014, Development Code Amendment No. 2014-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, Staff has determined that 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

WHEREAS, on August 20, 2014 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2014-002, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2014-002 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. 2014-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted

General Plan.

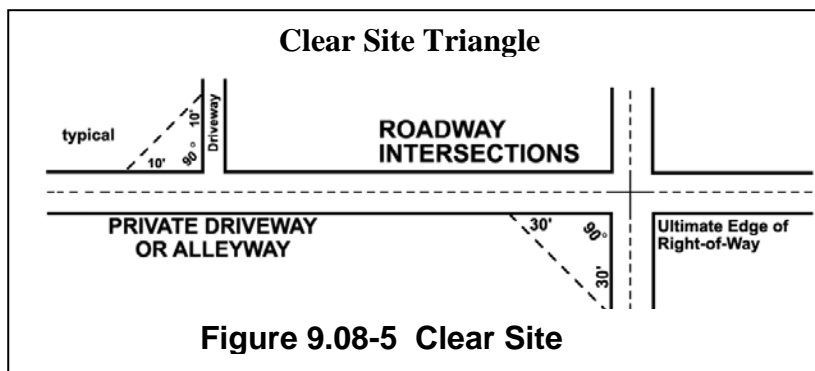
Section 2. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant 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.

Section 3. Amend the Development Code Section 9.74.160 "Temporary Real Estate Signs" as follows:

"9.74.160 TEMPORARY REAL ESTATE SIGNS

E. General Requirements. All temporary sale, lease or rent signs shall be subject to the following requirements:

1. Signs shall be removed within ten (10) days following the close of escrow, or completion of the rental or lease agreement, or once the property is no longer listed for sale or lease.
2. Signs shall only be placed on the parcel of land to which the sign pertains, except as provided for temporary off-site signs as provided elsewhere in this Chapter.
3. Sign permits are not required for temporary real estate signs described within this section; however, all signs must be constructed, installed and permitted in accordance with the Uniform Building Code.
4. Signs applicable to this section may be utilized to identify future tenants.
5. One (1) added sign, commonly referred to as a "rider" not to exceed six (6) inches times the width of primary sign, may be attached and will not be counted towards maximum sign area.
6. All parts, portions, and materials shall be maintained and kept in good repair. Signs found to be in disrepair shall be subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.
7. Sign illumination is prohibited.
8. Signs must not be installed within the clear site triangle, which is the area within the triangle formed by connecting the points thirty (30) feet (10 feet at driveways) from the intersection of the two right-of-way lines.



F. Signs for Residential Property and Uses

1. Temporary signs advertising residential subdivisions shall comply with those regulations contained

within Section 9.74.150, *Temporary Subdivision and Model Home Signs*.

2. A maximum of one (1) temporary, on-site free-standing sign per street frontage and per park or golf course frontage may be allowed for a parcel in any district.
3. Wall signs are prohibited.
4. The maximum area of any sign shall be six (6) square feet and the maximum height shall be six (6) feet.

G. Signs for Non-Residential Property or Uses

1. The maximum area and height of any free standing sign shall be as follows:
 - c. On parcels less than fifteen (15) acres in size located in commercial and industrial zones, the maximum area of any sign shall be twenty-four (24) square feet and the maximum height shall be six (6) feet.
 - d. On parcels or contiguous parcels within the same center of fifteen (15) acres or larger, and located in commercial and industrial zones, the maximum area of any sign shall be sixty-four (64) square feet and the maximum height shall be twelve (12) feet.
2. A maximum of two (2) temporary, on-site free-standing signs per street frontage may be allowed.
3. Signs located on a single property must maintain a minimum separation distance of 600 feet.
4. All free-standing signs in commercial and industrial zones shall have a minimum setback of five (5) feet from any property line or from the edge of the planned or ultimate right-of-way of any street, if this is greater.
5. **Window Signs.** The maximum size of any window sign shall be six (6) square feet, or fifteen (15) percent of the window area per frontage of the unit in which it is displayed, whichever is greater.
6. **Wall Signs.**
 - d. Sign area shall not exceed one-half ($1/2$) square foot per linear foot of building frontage, with a maximum size of twenty-four (24) square feet;
 - e. Signs shall be constructed of a durable material and shall be maintained in good condition;
 - f. One (1) wall sign shall be permitted per building facade which fronts on any street, freeway, parking lot, or pedestrian mall, not including loading or service areas.
7. Existing, permanent signage may not be utilized for the display of temporary real estate advertising.

H. Open House Directional Signs

3. Temporary off-site, open house directional signs may be allowed for single residences subject to the following:
 - a. Maximum area of directional signs shall not exceed six (6) square feet, nor shall any sign exceed four (4) feet in height. Signs shall be mounted on their own stakes and shall not be placed on street or traffic signs, utility poles or trees. Signs shall be constructed of wood or similar rigid material;
 - b. There shall be no more than one (1) sign per direction of traffic at any intersection and signs shall not be posted within twenty-five (25) feet of the corner;
 - c. Signs may not be posted more than four (4) days per week for any one residence;
 - d. Signs shall not be placed within the public right-of-way;
 - e. Signs may be placed on private property with the permission of the property owner;
 - f. Such signs shall be used only when a sales person is on duty or scheduled to be on duty for an open house. Signs shall be permitted overnight if a sales person is scheduled to be on duty the following day. Under no circumstances shall signs be left up when no one is on duty or scheduled to be on duty during the following twenty-four (24) hours;
 - g. Signs in violation of this Section may be subject to removal and disposition without notice or warning.
4. **Temporary On-site Open House Signs**
 - a. Four (4) flags, with a maximum area of three (3) square feet each and a maximum height of six (6)

feet, may be allowed on the lot where the open house is conducted.

- b.* One (1) "Open House" sign per street frontage may also be allowed on the lot where the open house is conducted with a maximum area of six (6) square feet and a maximum height of six (6) feet."

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 20th day of August, 2014.

Vice-Chairman Doug

Qualls

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 20th day of August, 2014 by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary