



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 10, 2015
From: Lori Lamson, Assistant Town Manager **Item No:** 4
Subject: ADOPT 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”.

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

RECOMMENDED ACTION:

Adopt Ordinance No. 466.

SUMMARY:

At its January 27, 2015 meeting, the Town Council reviewed and introduced Ordinance No. 466, amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, amending Chapter 9.74 as it relates to temporary real estate signs.

FISCAL IMPACT:

Not Applicable

ATTACHMENT:

Ordinance No. 466

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 hearing 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:

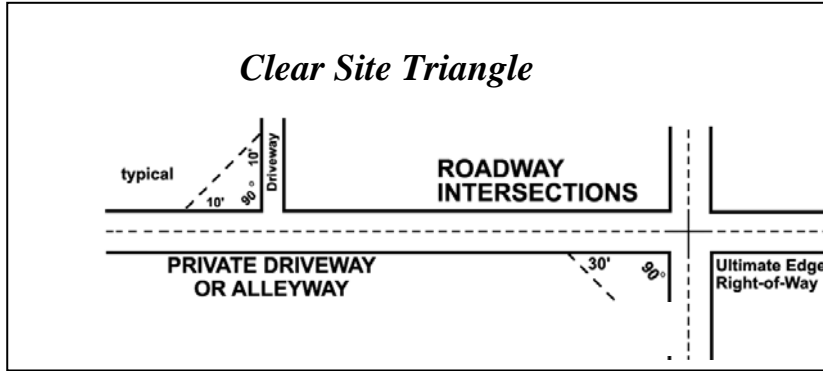
Section 1. Find that the changes proposed by Development Code Amendment No. 2014-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

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 Use

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.

APPROVED 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