



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: February 9, 2016

From: Carol Miller, Principal Planner Item No: 6

Subject: ADOPT ORDINANCE NO. 482 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, TO AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMAS AND ALPACAS AND AMENDING SECTION 9.29.030D AS IT RELATES TO SMALL DOMESTIC ANIMALS

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 482.

SUMMARY:

At its January 26, 2016 meeting, the Town Council reviewed and introduced Ordinance No. 482 which amends the Development Code of the Town of Apple Valley Municipal Code by amending Table 9.28.030-A(B)(8) as it relates to the keeping of Llamas and Alpacas and amending Section 9.29.030 (D) as it related to small domestic animals.

As a part of the requirements to adopt any new ordinance, Ordinance No. 482 has been scheduled for adoption at the February 9, 2016 Town Council meeting.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

Ordinance No. 482

ORDINANCE NO. 482

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING TABLE 9.28.030-A(B)(8) AS IT RELATES TO THE KEEPING OF LLAMA AND ALPACA AND AMENDING SECTION 9.29.030 (D) AS IT RELATES TO SMALL DOMESTIC ANIMALS

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 Table 9.28.030-A(B)(8) and amending Section 9.29.030 (D); 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 December 2, 2015, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2015-005, receiving testimony from the public and adopting Planning Commission Resolution No. 2015-013 forwarding a recommendation to the Council; and

WHEREAS, on January 26, 2016, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2015-005, receiving testimony from the public.

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

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. 2015-005 is 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. 2015-005 will have a significant effect on the environment and, therefore, the amendment is EXEMPT from further environmental review.

Section 3. Amend the Development Code Table 9.28.030-A Subsection B.8 to read as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD ²
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B. Agricultural and Animal Uses

8. Llamas and Alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
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Section 4. Amend Section 9.29.030 *Animal Keeping and Agricultural Uses in Residential Districts*, Subsection D *Small Domestic Animals* to read as follows:

D. Small Domestic Animals. Small domestic animals shall be allowed in districts as provided for in Table 9.28.030-A *Permitted Uses*. Small animals consisting of non exotic or wild animals that are commonly sold in pet stores and kept as household pets which are normally maintained in aquariums, terrariums, bird cages or similar enclosures, each of which does not exceed fifty (50) cubic feet. Said enclosures must be kept and maintained within an enclosed building. The maximum number or density limitations for these animal types shall comply with Public Health Regulations.

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 published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 7. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and **ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 9th day of February, 2016.

Barb Stanton, Mayor

ATTEST:

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager