



## Town Council Agenda Report

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Date: August 27, 2019 Item No. 4

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE NO. 512 ADOPTING DEVELOPMENT CODE AMENDMENT NO. 2019-004 AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE THAT WILL AMEND TABLE 9.35.040-A "SITE DEVELOPMENT STANDARDS" TO REDUCE THE MINIMUM LOT SIZE WITHIN REGIONAL COMMERCIAL (C-R) ZONING DESIGNATION FROM EIGHT (8) ACRES TO 10,000 SQUARE FEET.

From: Douglas Robertson, Town Manager

Submitted by: Lori Lamson, Assistant Town Manager  
Community Development Department

Budgeted Item:  Yes  No  N/A

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**RECOMMENDED ACTION:**  
**Adopt Ordinance No. 512**

**SUMMARY:**

At its August 13, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 512 which amends the "Site Development Standards" in Table A of Section 9.35.040, reducing the minimum lot size within the Regional Commercial (C-R) zoning designation from 8.1 acres to 10,000 square feet and also removing the referenced footnote. As a part of the requirements to adopt any new ordinance, Ordinance No. 512 has been scheduled for adoption at the August 27, 2019 Town Council Meeting.

**Fiscal Impact:**  
Not Applicable

**Attachments:**  
Ordinance 512

**ORDINANCE NO. 512**

**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 9.35.040-A OF CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” REMOVING THE MINIMUM LOT SIZE OF 8.1 ACRES AND FOOTNOTE (2) AND REPLACING IT WITH A MINIMUM LOT SIZE OF 10,000 SQUARE FEET**

**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**, Development Code Amendment No. 2019-004 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**, on June 19, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-004, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-004 forwarding a recommendation to the Council; 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 August 13, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2019-004, 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. 2019-004 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. 2019-

004 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Table 9.35.040-A “Site Development Standards” to read as follows:

**Table 9.35.040-A Site Development Standards**

STANDARDS <sup>(1)</sup>	DISTRICT					
	O-P	C-G	C-S	C-R	C-V	M-U
1. Minimum lot area	7.5K sf	10K sf	10K sf	10K sf	10K sf	1 ac.

**Section 4.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

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

**Section 6.** Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 27<sup>th</sup> day of August 2019.

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Honorable Larry Cusack, Mayor

ATTEST:

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Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. Thomas Rice, Town Attorney

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Mr. Douglas B. Robertson, Town Manager

