

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE NO. 398 - AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 "SIGNS AND ADVERTISING DISPLAYS" OF THE DEVELOPMENT CODE AS IT RELATES TO MODIFYING REQUIREMENTS FOR HUMAN-OPERATED SIGNS ADJACENT TO EMERGENCY SERVICE FACILITIES THAT WILL INCLUDE A SEPARATION DISTANCE OF 200 FEET FROM ACCESS AREAS TO ANY PUBLIC SAFETY OR EMERGENCY FACILITIES IN THE TOWN.

Summary Statement:

At its June 23, 2009 meeting, the Town Council reviewed and introduced Ordinance No. 398 as it relates to amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, by amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code to regulations for human-operated signage located near access areas of public safety facilities and maintaining a separation distance of 200 feet. As part of the requirements to adopt a new Ordinance, Ordinance No. 398 has been scheduled for adoption at the July 14, 2009 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 398

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budget Item** **Yes** **No**

ORDINANCE NO. 398

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO PROHIBITING HUMAN-OPERATED SIGNAGE FROM LOCATING ADJACENT TO OR IN FRONT OF ACCESS AREAS OF EMERGENCY/PUBLIC SAFETY FACILITIES AND MAINTAINING A SEPARATION DISTANCE OF 200 FEET, NOT INCLUDING MAJOR ROADWAYS MORE THAN 100 FEET IN WIDTH WITHIN THE TOWN.

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

Section 1. Recitals

(i) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) Specific changes to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it relates to regulations for human-operated signage located near access areas of public safety facilities and maintaining a separation distance of 200 feet, within the Town; and

(iv) On June 5 , 2009, Development Code Amendment No. 2009-002 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

(vi) On May 6, 2009, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2009-002, receiving testimony from the public and adopted Planning Commission Resolution No. 2009-003 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2009-002 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.

Section 2. Findings

(i) Find that the changes proposed by Development Code Amendment No. 2009-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), 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 may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

Section 3. Amend Paragraph Q. of Section 9.74.050 “Prohibited Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code to read as follows:

Q. Human-operated signs located adjacent to, or in front of access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals are prohibited. Said signs must maintain a separation distance of 200 feet, not including major roadways more than 100 feet in width, to access areas to emergency/public safety facilities, such as police stations, fire stations and hospitals.

Section 4. Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

Section 5. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 6. Effective Date. The 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 provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 14th day of July, 2009.

Honorable Rick Roelle, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Mr. John Brown, Town Attorney

Approved as to content:

Mr. Frank Robinson, Town Manager