

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

DEVELOPMENT CODE AMENDMENT 2009-005: ADOPT ORDINANCE NO. 405, REGARDING COMPREHENSIVE AMENDMENTS TO THE DEVELOPMENT CODE TO ADDRESS CHANGES REQUIRED TO ASSURE THE CONSISTENCY OF THE DEVELOPMENT CODE WITH THE GENERAL PLAN ADOPTED IN 2009.

ZONE CHANGE 2009-003: ADOPT ORDINANCE NO. 406, REGARDING CHANGES TO THE ZONING MAP TO ASSURE CONSISTENCY WITH THE GENERAL PLAN MAP ADOPTED IN 2009.

Summary Statement:

At its meeting of April 13, 2010, the Town Council reviewed and introduced Ordinance Nos. 405 and 406. Ordinance No. 405 amends Title 9 "Development Code" of the Town of Apple Valley Municipal Code, by adopting comprehensive changes to Sections 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.56, 9.57, 9.65 and 9.72. Ordinance No. 406 amends the official Zoning map to be consistent with the General Plan adopted on August 11, 2009 and changes the zoning designation of Assessor's parcel numbers 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -55, -56, -57, -58, and -59 from Single Family – Residential (R-SF) to Residential Equestrian (R-EQ). As part of the requirements to adopt a new Ordinance, Ordinance Nos. 405 and 406 have been scheduled for adoption at the April 27, 2010 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 405 and 406

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Town Council Meeting: April 27, 2010

ORDINANCE NO. 405

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING COMPREHENSIVE CHANGES TO DEVELOPMENT CODE SECTIONS 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, AND 9.72.

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

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, The Town Council adopted the Town of Apple Valley General Plan on August 11, 2009; and

WHEREAS, The adoption of the General Plan created new land use designations, and resulted in new policies, programs and requirements which must be implemented in the Development Code; and

WHEREAS, on March 19, 2010, Development Code Amendment 2009-005 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the California environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA, Development Code Amendment 2009-005 is entirely consistent with the General Plan, and its impacts have been thoroughly analyzed in the General Plan Environmental Impact Report (SCH #2008091077), and no further environmental analysis is required; and

WHEREAS, on February 3, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment 2009-005, receiving testimony from the public and adopting Planning Commission Resolution No. 2010-001 forwarding a recommendation to the Council; and

WHEREAS, on April 13, 2010 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment 2009-005, 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. The Town Council finds that the adoption of Development Code Amendment 2009-005 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and will not be detrimental to the health, safety or general welfare of the citizens of the Town of Apple Valley, as described in the Findings contained in the staff report.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for approval of the Development Code Amendment set forth in the Staff Report, and finds that Development Code Amendment 2009-005 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended.

Section 3. The Town Council hereby repeals Development Code Sections 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, and 9.72, and replaces them with Sections 9.03, 9.05, 9.07, 9.08, 9.28, 9.29, 9.30, 9.31, 9.35, 9.36, 9.37, 9.45, 9.46, 9.56, 9.57, 9.65, and 9.72 contained in their entirety in Exhibit "A".

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 27th day of April, 2010.

ATTEST:

Honorable Peter Allan, Mayor

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager

ORDINANCE NO. 406

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT WITH THE GENERAL PLAN ADOPTED ON AUGUST 11, 2009, AND CHANGING THE ZONING DESIGNATION OF ASSESSOR'S PARCEL NUMBERS 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 FROM R-SF TO R-EQ.

WHEREAS, 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

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, The Town Council adopted the Town of Apple Valley General Plan on August 11, 2009; and

WHEREAS, The adoption of the General Plan modified land use designations on specific parcels, which must also be modified on the Zoning Map to comply with California law; and

WHEREAS, The Town received a request from the owners of Assessor's Parcel Numbers 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 to change their zoning designation from Residential Single Family to Residential Equestrian to allow them to keep horses on their property; and

WHEREAS, on March 19, 2010, Zone Change 2009-003 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the California environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA, Zone Change 2009-003 is entirely consistent with the General Plan, and its impacts have been thoroughly analyzed in the General Plan Environmental Impact Report (SCH #2008091077), and no further environmental analysis is required; and

WHEREAS, on February 3, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Zone Change 2009-003, receiving testimony from the public and adopting Planning Commission Resolution No. 2010-001 forwarding a recommendation to the Council; and

WHEREAS, on April 13, 2010 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Zone Change 2009-003, 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. Zone Change No. 2009-003 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the changes proposed by Zone Change No. 2009-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 3. The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the Zoning Map as shown on attached Exhibit "A", and incorporated herein by reference.

Section 4. The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by changing the zoning designation of Assessor's Parcel Numbers 441-141-10, -12, -16, -17, -18, -19, -20, -21, -24, -25, -26, -27, -28, -29, -30, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, -45, -46, -47, -55, -56, -57, -58, and -59 to R-EQ, Residential Equestrian as shown in Exhibit "B".

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. 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.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 27th day of April, 2010.

ATTEST:

Honorable Peter Allan, Mayor

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager