

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE No. 417, AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.74.040 "DEFINITIONS" AS IT RELATES TO KIOSK SIGNS AND AMENDING CHAPTER 9.74 BY ADDING SECTION 9.74.155 "VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS" AS IT RELATES TO OFF-SITE KIOSK BUSINESS DIRECTIONAL SIGNS AND COMMEMORATE BANNERS ON LIGHT POLES WITHIN THE VILLAGE DISTRICT

Summary Statement:

At its meeting of January 25, 2011, the Town Council reviewed and introduced Ordinance No. 417, amending Title 9 "Development Code" of the Town of Apple Valley Municipal Code, amending Section 9.74.040 "Definitions" as it relates to kiosk signs and amending Chapter 9.74 by adding Section 9.74.155 "Village District Business Directional Kiosk Signs and Commemorative Banners" as it relates to off-site kiosk business directional signs and commemorate banners on light poles within the Village District. As part of the requirements to adopt a new Ordinance, Ordinance No. 417 has been scheduled for adoption at the February 8, 2011 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 417

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

ORDINANCE No. 417

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DETERMINING THAT DEVELOPMENT CODE AMENDMENT No. 2010-006 IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND AMEND TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING SECTION 9.74.040 "DEFINITIONS" AS IT RELATES TO KIOSK SIGNS AND AMENDING CHAPTER 9.74 BY ADDING SECTION 9.74.155 "VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS" AS IT RELATES TO OFF-SITE KIOSK BUSINESS DIRECTIONAL SIGNS AND COMMEMORATE BANNERS ON LIGHT POLES WITHIN THE VILLAGE DISTRICT

The Town Council of the Town of Apple Valley, State of California, does hereby 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 April 27, 2010; 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 are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Sections 9.74 as it relates to the regulations for Village Business directional kiosks and commemorative banners and

(iv) On December 31, 2010, Development Code Amendment No. 2010-006 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) Based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that Development Code Amendment will not have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review; and

(vi) On November 17, 2010, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2010-006, receiving testimony from the public; and

(vii) Development Code Amendment No. 2010-006 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. 2010-006 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be seen with certainty that the proposed Development Code Amendment No. 2010-006 is not anticipated to have a direct, adverse impact upon the environment and, therefore, is EXEMPT from further environmental review.

Section 3. Add Section 9.74.155 “Village District Business Directional Kiosk Sign and Commemorative Banners” to Chapter 9.74 of Title 9 “Development Code” to read as follows:

9.74.155 VILLAGE DISTRICT BUSINESS DIRECTIONAL KIOSK SIGNS AND COMMEMORATIVE BANNERS.

The following shall regulate and establish a standardized program of off-site directional kiosk signs and commemorative banners/pennants for light poles within the Village Business District. For the purposes of this section, only those businesses located within the Village Business District may participate in the approved kiosk directional program. The Village Business District is generally defined as the corridor along Highway 18, between Navajo Road and Mesquite Road, and Ottawa Road to the south and Esaws Road to the north.

A. Business Directional Kiosk Sign

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission at a public hearing.
2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. This also includes kiosks for residential development.
3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Division in accordance with the requirements of this Code.
4. The placement of panels on the kiosk structure shall be reviewed and approved by the Director.
5. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Division.
6. All kiosk signs located on Town property, or within a designated Town right-of-way, shall require an encroachment permit through the Public Works Division, and a hold harmless agreement, or other form of liability insurance, deemed necessary and approved by the Town Attorney. No kiosk sign structures shall be permitted within any public right-of-way controlled or maintained by the California Department of Transportation.
7. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. Further, no other directional signs may be used, such as posters or trailer signs.
8. At the option of the Town, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.
9. Kiosk signs shall be constructed in accordance with the requirements of the Uniform Building Code (UBC) and all applicable requirements of the Public Works Division.
10. Kiosk signs shall be permitted in any Commercial zoning district within the Village Business District, subject to the requirements of this Section.
11. Kiosk sign structures shall conform to the following standard regulations:
 - a. Kiosk structure shall not exceed a maximum height of seven (7) feet and four (4) feet four (4) inches wide as shown in Figure 9.74.150-A.

- b. No more than three (3) panels per side of a kiosk are permitted;
- c. Double sided kiosk signs are permitted;
- d. Kiosk sign panels may only contain the name of the business and a directional arrow;
- e. No more than one panel per business per side of a kiosk sign is permitted.
- f. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 9.08 of this Code or create a traffic hazard;
- g. Design, size and height of kiosk structures and panels shall be approved by the Planning Commission.

B. Commemorative Street Light Banner

- 1. No more than two (2) vertical pole commemorative banners shall be allowed to be attached to an existing street light pole within the Village District. Such banners shall not exceed twelve and one-half (12 ½) square feet in area; shall have a maximum width of two and one-half (2 ½) feet and a maximum height of five (5) feet.
- 2. Such commemorative banners attached to public utility light pole shall be approved by Southern California Edison (SCE) prior to attachment.
- 3. The commemorative banners shall not be used for commercial or political advertising, except that logos and trademarks of the Village District shall be permitted.
- 4. All parts, portions, and materials shall be maintained and kept in good repair. Failure to adequately maintain the banners shall make the banners subject to abatement in accordance with the provisions of Section 9.74.230 *Enforcement* of this Chapter.

Section 4. Amend Section 9.74.040 “Definitions” of Chapter 9.74 “Signs and Advertising Displays” of Title 9 “Development Code” to read as follows:

9.74.040 DEFINITIONS

Kiosk Sign. An off-premise sign used for directing people to the sales office or models of a residential subdivision project or to businesses within the Village Business District (Figure 9.74.040-N).

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 8. 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 by the Town Clerk this 8th day of February, 2011.

ATTEST:

Scott Nassif, 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