

ORDINANCE NO. 467

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM (R-E) RESIDENTIAL ESTATE (1 DU PER 1 TO 2.5 GROSS ACRES) TO (R-SF) RESIDENTIAL SINGLE-FAMILY (1 DU PER 0.4 TO 0.9 NET ACRES). APNS: 3087-171-07 AND EASTERLY PORTION OF 3087-161-04

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 Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF) as shown on Exhibit "B", and incorporated herein by reference; and

WHEREAS, on March 20, 2015, Zone Change No. 2013-01 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

WHEREAS, the Town Council finds on the basis of the whole record before it, including the Initial Study on file with the Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis, and

WHEREAS, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307; and

WHEREAS, on April 14, 2015, the Town Council of the Town of Apple Valley conducted duly noticed and advertised public hearings on Zone Change No. 2013-01, 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. 2013-01 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 change proposed by Zone Change No. 2013-01 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with General Plan Amendment No. 2013-02.

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 boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation from Residential Estate (R-E) to Residential Single-Family (R-SF) as shown on attached Exhibit "B", and incorporated herein by reference.


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.

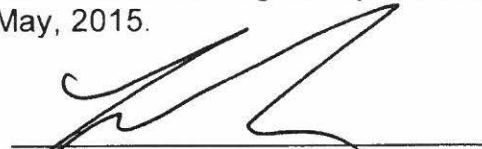
Section 6. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED and ADOPTED by the Town Council and signed by the Mayor and attested to by the Town Clerk this 26TH day of May, 2015.

ATTEST:



La Vonda M. Pearson, Town Clerk



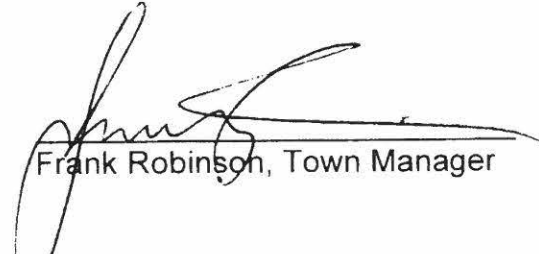
Larry Cusack, Mayor

APPROVED AS TO FORM:



John Brown, Town Attorney

APPROVED AS TO CONTENT:

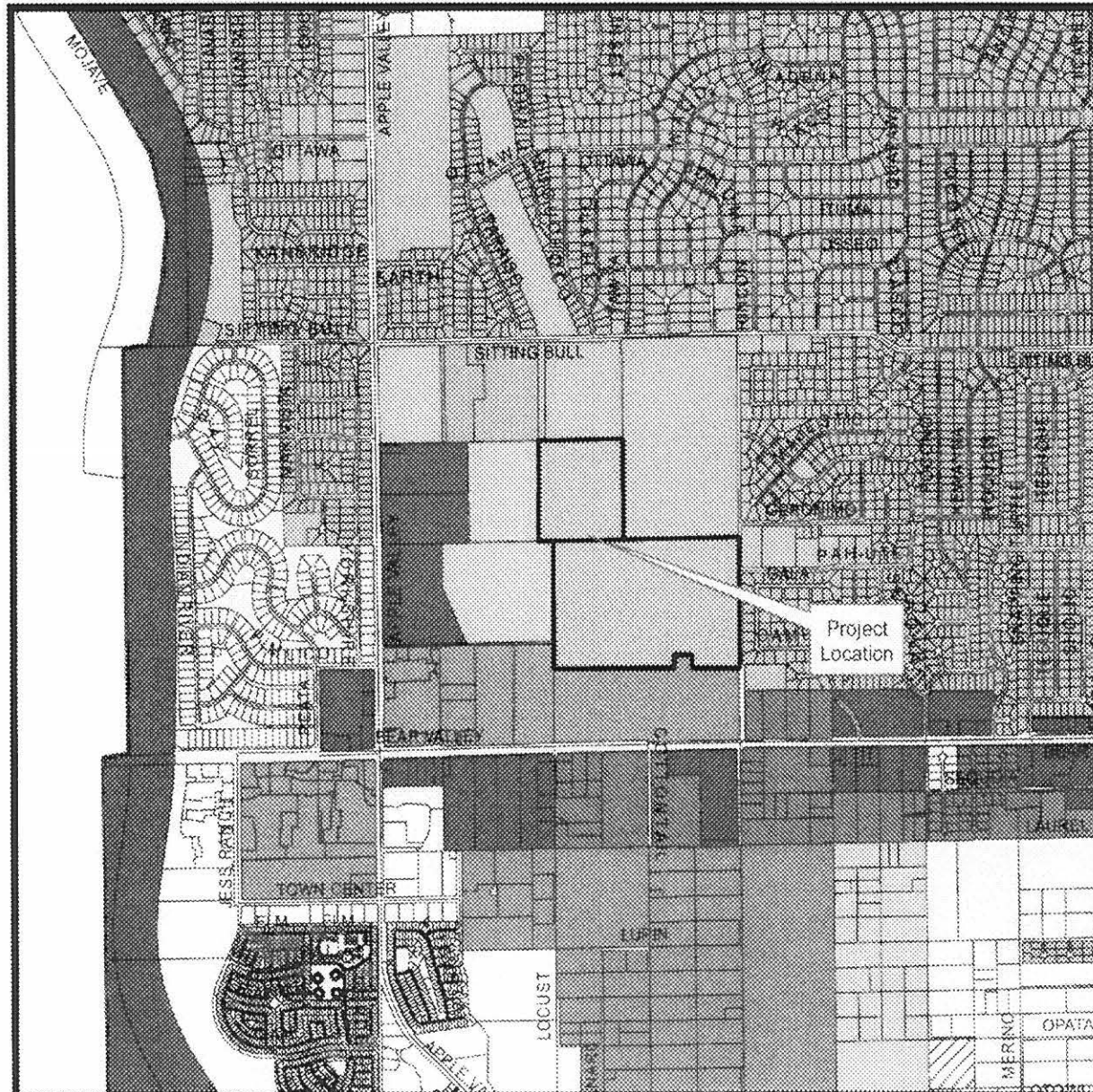


Frank Robinson, Town Manager

Exhibit "B"

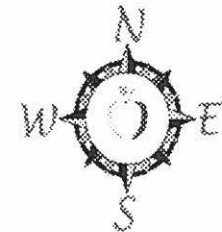
Zone Change No. 2013-01

Recommended Zoning Designation



Subject site is north of Bear Valley Road and west of Deep Creek Road.

APNs 3087-171-07
and easterly portion of
3087-161-04



Legend

- 25-30% Protected Agriculture (100% 5 years access)
- 31-35% Low Density Residential (11-15% 5 to 10 years access)
- 36-40% Medium Density Residential (16-20% 5 to 10 years access)
- 41-45% Expansion Residential (21-25% 4 to 10 years access)
- 46-50% Single Family Residential (26-30% 4 to 10 years access)
- 51-55% Medium Density Residential (31-35% 20 years access)
- 56-60% Medium Density Residential (36-40% 20 years access)
- 61-65% General Commercial
- 66-70% Office Professional
- 71-75% Regional Commercial
- 76-80% Planned Residential
- 81-85% Special Use
- 86-90% Open Space (20 years access)
- 91-95% Mixed Use
- 96-100% Joint Development

Date: 11/24/2018

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF APPLE VALLEY

I, LA VONDA M-PEARSON, Town Clerk of the Town of Apple Valley, California, hereby certify that the foregoing Ordinance No. 467 was duly introduced on April 14, 2015 and adopted at the Town Council regular meeting on May 26, 2015, by the following vote:

AYES: Council Members Bishop, Emick, Nassif, Mayor Pro Tem Stanton, Mayor Cusack.

NOES: None.

ABSENT: None.

ABSTAIN: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 28th day of May, 2015.

LA VONDA M-PEARSON, CMC
TOWN CLERK

by:



Yvonne Rivera, Deputy

(SEAL)

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF APPLE VALLEY

I, La Vonda M-Pearson, Town Clerk of the Town of Apple Valley, California, do hereby certify that the attached Ordinance No. 467 was adopted on May 26, 2015 by the Town Council of the Town of Apple Valley and has been published in a newspaper of general circulation, published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 28th day of May, 2015.

LA VONDA M-PEARSON, CMC
TOWN CLERK



Yvonne Rivera, Deputy

(SEAL)