

ORDINANCE NO. 485

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 MODIFYING SECTION 9.74.110 (G) "DIGITAL ADVERTISING DISPLAYS"

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, on March 8, 2016, the Town of Apple Valley Town Council formed an Ad Hoc Committee to review the issue of digital signs in the Town of Apple Valley; and

WHEREAS, the Digital Sign Ad Hoc Committee met to discuss issues relating to digital signs and provided recommendations for a Development Code Amendment; and

WHEREAS, specific changes are proposed to Chapter 9.74 "Sign and Advertising Displays" of Title 9 "Development Code" of the Apple Valley Municipal Code as it relates to the regulations applicable to all digital advertising displays; and

WHEREAS, on June 15, 2016, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2016-001, receiving testimony from the public and adopting Planning Commission Resolution No. 2016-005 forwarding a recommendation to the Council; and

WHEREAS, Development Code Amendment No. 2016-001 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, 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 July 12, 2016, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2016-001, 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. 2016-001 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. 2016-001 will have a significant effect on the environment and, therefore, the amendment is EXEMPT from further environmental review.

Section 3. Amend the Development Code Section 9.74.110(G) "Digital Advertising Displays" as follows:

"G. *Digital Advertising Displays*

2. *Design Standards*

- a.* Digital advertising displays are accessory to, and must be architecturally integrated with non-digital, permanent freestanding or wall signs.
- b.* The digital portion of any sign may only occupy up to eighty (80) percent of the sign area, or thirty (30) square feet, whichever is less (*Figure 9.74.110-A*). This provision does not apply to billboards adjacent to the freeway.
- c.* The digital portion of any freestanding sign shall not exceed eight (8) feet in height as measured from the top of the sign to the ground, except that this provision does not apply to signs fronting the I-15. Nothing in this section shall be construed to imply that any sign may exceed its permitted height based upon its digital component.
- d.* Digital wall signs, visible from the public right-of-way, are limited to text only reader boards.
- e.* Text only reader boards are limited to one (1) single color.
- f.* Digital advertising displays may not be added to legal, nonconforming signs.

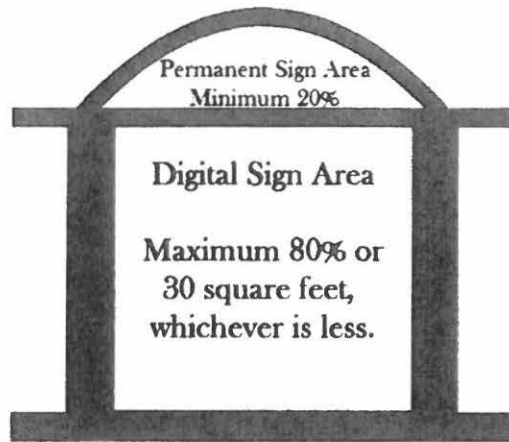


Figure 9.74.110-A Freestanding Digital Sign"

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 July, 2016.

Barb Stanton, Mayor

ATTEST:

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

John Brown, Town Attorney

APPROVED AS TO CONTENT:

Frank Robinson, Town Manager

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. 485 was duly introduced on July 12, 2016 and adopted at the Town Council regular meeting on July 26, 2016, by the following vote:

AYES: Council Members Bishop, Cusack, Emick, Mayor Pro Tem Nassif, Mayor Stanton.
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 27th day of July, 2016.

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. 485 was adopted on July 26, 2016 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 27th day of July, 2016.

LA VONDA M-PEARSON, CMC
TOWN CLERK

A handwritten signature in black ink, appearing to read 'Yvonne Rivera', is written over a horizontal line.

Yvonne Rivera, Deputy

(SEAL)