



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council Date: September 23, 2014

From: Lori Lamson Item No: 13
Assistant Town Manager
Community Development Department

SUBJECT: AMEND THE TEMPORARY USE PERMIT REGULATIONS TO ALLOW FOR LIGHT INDUSTRIAL USES TO OCCUPY VACANT COMMERCIAL BUILDINGS GREATER THAN 40,000 SQUARE FEET LOCATED WITHIN THE GENERAL COMMERCIAL (C-G) FOR A TEN (10) YEAR PERIOD

Applicant: Town of Apple Valley

T.M. Approval: _____ Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Move to open the public hearing and take testimony.
Close the public hearing. Then:

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 465 in its entirety and read by title only.

5. **Introduce** Ordinance No. 465, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapters 9.23 and 9.35 as it relates to allowing light industrial uses in vacant commercial buildings greater than 40,000 square feet in the General Commercial (C-G) Zone.
6. **Direct** staff to file a Notice of Exemption.

SUMMARY:

At the June 24, 2014, Town Council meeting, the Council initiated Development Code Amendment No. 2014-003, which would expand the Temporary Use Permit regulations for the review and consideration of allowing light industrial uses in existing, vacant, large commercial buildings. This would allow the occupation of these large buildings to include additional uses and would also promote job growth. Temporary occupancy of these buildings would improve the overall economic strength of the area. Development Code Amendment (DCA) No. 2014-003 was presented to the Planning Commission on August 20, 2014. The Planning Commission recommended that the Town Council adopt the Development Code Amendment and approved Planning Commission Resolution No. 2014-003.

DISCUSSION:

Expansion of the temporary use provisions within the Development Code would allow clean light industrial businesses for a temporary period of time, such as ten (10) years. This amount of time would allow a business to recoup any initial investment made in establishing its business at these locations, but would not permanently change the commercial nature of these buildings. Ten (10) years could be enough time to allow the synergy of the commercial center to strengthen and market demands could turn making a commercial tenant more viable. Extensions to the Temporary Use Permit could also be considered by the Town at that time.

The light industrial uses contemplated, should be clean, industrial businesses and conducted solely within the building. This could include light manufacturing, warehousing and distribution. Traffic impacts of trucks and related noise would have to be evaluated on a case-by-case basis in the review of the Temporary Use Permit.

The purpose of a Temporary Use Permit could be expanded to address the location of light industrial uses in a commercial district as described. The current Section 9.23.010 "Purpose" would need to be modified as shown below. All underlined text are proposed additions and ~~strikethrough~~ text are proposed deletions to the Code.

9.23.010 Purpose

This Chapter is intended to establish regulations and procedures for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code. In addition, this chapter is also intended to establish regulations and procedures for the review of temporary uses that are listed as such in the use

tables of the Development Code. The review of these temporary uses is necessary in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

The review authority would also be modified to require Planning Commission review of temporary uses that are listed as such in the use tables of the Development Code. Therefore, 9.23.020 “Authority” and Section 9.23.040 “Application” would be modified as shown below:

9.23.020 Authority

- A. **Review Authority.** The Director is authorized to approve, conditionally approve, modify, or deny requests for temporary uses that pertain to current and ongoing construction activities. The Director may establish conditions and limitations necessary to minimize detrimental effects on surrounding property and/or the general public. The Director may refer applications for a Temporary Use Permit to the Commission. The Planning Commission shall review temporary uses listed in the General Commercial (C-G) use table of the Development Code. The Planning Commission can approve, conditionally approve, modify or deny requests for these temporary use permits.

9.23.040 Application

A Temporary Use Permit may be approved, conditionally approved or denied by the Director. The Director may request a site plan for the area of the proposed use as well as any other information deemed necessary to make the required findings. Temporary Use Permits for light industrial uses within the General Commercial (C-G) zone shall require Planning Commission approval.

The type of industrial use allowed with a Temporary Use Permit would be described in Section 9.23.030.I “Permitted Temporary Uses” below.

9.23.030 Permitted Temporary Uses

- I. Temporary Light Industrial Use in vacant commercial buildings. – Clean industrial uses including light manufacturing and distribution shall be limited to vacant commercial buildings larger than 40,000 square feet, where the business is conducted completely within an enclosed area of the building. The uses are subject to the Development Standards identified in Section 9.35.040 consistent with the “General Commercial (C-G)” uses. These uses are permitted for a maximum time of ten (10) years with the ability to obtain three (3) one year extensions.

A time limit has to be included with the approval of a Temporary Use Permit. It would seem that ten (10) years would allow enough time for a user to achieve a return on any investment made in improvements to the existing building upon occupancy. This would also limit the industrial use from becoming permanent and allow a commercial area or center to regain synergy within a period of time. Three (3) one-year extensions to this timeline could also be considered on a case-by-case basis. The following Sections could be amended to include the following language:

9.23.060 Conditions of Approval

- A. **Authority.** In approving an application for a Temporary Use Permit, the Director or Planning Commission may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 9.23.050 above. These conditions may involve any pertinent factors affecting the operation of such temporary event or use, and may include, but shall not be limited to:
1. For uses related to construction activities, a pProvision shall be included for a fixed period not to exceed one (1) year for a temporary use, three (3) one (1) year extensions may be granted by the Director. For light industrial uses within the General Commercial (C-G) zone, the Temporary Use Permit (TUP) shall not exceed ten (10) years and three (3) one year extensions may be granted by the Director;
 2. Provision for temporary parking facilities, including vehicular ingress and egress;
 3. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases and heat;
 4. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 5. Provision for sanitary and medical facilities;
 6. Provision for solid, hazardous and toxic waste collections and disposal;
 7. Provision for security and safety measures;
 8. Regulation of signs;
 9. Submission of a performance bond or other surety device, satisfactory to the Town Engineer, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time and that the property will be restored to its former condition;
 10. Temporary facilities or structures used shall be removed from the site within a reasonable time and that the property restored to its former condition;
 11. Temporary Use Permits issued pursuant to this Section shall become invalid upon the cancellation of the building permit or the completion of the construction project for which the building permit and Temporary Use Permit were issued;
 12. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provision of the Town Municipal Code; and
 13. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

To clarify the types of industrial development permitted with the Temporary Use Permit provisions, Section 9.23.065 should be added to include a description. The description should also include the size of building where this provision would apply.

Section 9.23.065 – Industrial Uses

Industrial uses permitted in commercial zoning shall be limited to the types of clean and light industrial uses identified for Planned Industrial (I-P) zones in Section 9.45.030 – A and development standards in Section 9.35.040 General Commercial (C-G). All industrial uses shall be conducted within an enclosed building that is greater than 40,000 square feet in size.

Within the Commercial Section of the Development Code, the use table would need to be modified identifying that manufacturing, production and wholesale uses would require a Temporary Use Permit with a footnote that specifies buildings must be existing vacant buildings greater than 40,000 square feet in size.

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
<i>F. Manufacturing/Production/Wholesale Uses</i> ⁽⁴⁾						
1. All uses in Table 9.45.030-A (Sections A-G) where conducted within a completely enclosed building, except for accessory outdoor storage ⁽⁶⁾	-	<u>TUP</u>	P	-	-	-

⁽⁶⁾ Only includes existing vacant buildings greater than 40,000 square feet in floor area and would be subject to the Temporary Use Permit regulations identified in Chapter 9.23 “Temporary Use Permits”.

The Planning Commission determined through its discussion that additional finding E. should be added to the Temporary Use Permit regulations. The Provisions also change the language to include the Planning Commission in addition to the Director as shown below.

9.23.050 Required Findings

The Director or the Planning Commission may approve, modify or conditionally approve a Temporary Use Permit application only when the following findings are met:

E. The location of the Temporary Use is compatible with the surrounding uses and there are no negative impacts to the surrounding area.

FINDINGS:

An Amendment to the Development Code requires that the Town Council address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Town Council consideration, the required Findings are listed below, along with a comment addressing each. If the Council wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment recommendations can be included into the Ordinance and brought back to the Council for the second reading of the Ordinance.

- A. The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan provides the basic framework for land development within the Town of Apple Valley, with the Development Code setting the specific standards and criteria to fulfill the General Plan's Goals and Policies. The proposed Code Amendment allows for clean industrial uses within the enclosure of an existing commercially zoned building greater than 40,000 square feet for a temporary period of time. The change proposed to the Development Code is consistent with the General Plan and provides a community service, while still protecting the property values and providing an improved living environment for all Apple Valley residents.

- B. The proposed Amendment will not be detrimental to the public health, safety or welfare of the Town or its residents.

Comment: The proposed Development Code Amendment will amend the Development Code requirements to allow clean industrial uses within the enclosure of an existing commercially zoned building greater than 40,000 square feet for a temporary period of time. With the proposed standards, potential impacts on adjacent properties will be minimized. Therefore, the Amendment will not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

ENVIRONMENTAL REVIEW:

Staff has determined that 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.

FISCAL IMPACT:

Not applicable.

ATTACHMENTS:

1. Planning Commission Resolution 2014-003
2. Ordinance No. 465

PLANNING COMMISSION RESOLUTION NO. 2014-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2014-003 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.23 and 9.35 AS IT RELATES TO ALLOWING LIGHT INDUSTRIAL USES IN VACANT COMMERCIAL BUILDINGS GREATER THAN 40,000 SQUARE FEET IN THE GENERAL COMMERCIAL (C-G) ZONE.

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 to Chapter 9.23 “Temporary Use Permit” of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to the regulations to allow light industrial uses in vacant commercial buildings within the General Commercial (C-G) zone; and

WHEREAS, Specific changes to Table 9.35.030-A “Permitted Uses”, of Title 9 “Development Code” of the Apple Valley Municipal Code as it relates to “Manufacturing/Production/Wholesale” uses in the C-G zone ; and

WHEREAS, On August 8, 2014, Development Code Amendment No. 2014-003 was duly noticed in the Apple valley News, a newspaper of general circulation within 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 August 20, 2014, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2014-003, receiving testimony from the public and adopted Planning Commission Resolution No. 2014-004 recommending adoption of this Ordinance; and

WHEREAS, Development Code Amendment No. 2014-003 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.

NOW, THEREFORE, BE IT RESOLVED that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, finds and determines as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. Find that the changes proposed by Development Code Amendment No. 2014-003 is 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. 2014-004 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.23.010 "Purpose" of the Development Code to read as follows:

9.23.010 Purpose

This Chapter is intended to establish regulations and procedures for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code. In addition, this chapter is also intended to establish regulations and procedures for the review of temporary uses that are listed as such in the use tables of the Development Code. The review of these temporary uses is necessary in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

Section 4. Amend Section 9.23.020 "Authority" of the Development Code to read as follows:

9.23.020 Authority

A. Review Authority. The Director is authorized to approve, conditionally approve, modify, or deny requests for temporary uses that pertain to current and ongoing construction activities. The Director may establish

conditions and limitations necessary to minimize detrimental effects on surrounding property and/or the general public. The Director may refer applications for a Temporary Use Permit to the Commission. The Planning Commission shall review temporary uses listed in the General Commercial (C-G) use table of the Development Code. The Planning Commission can approve, conditionally approve, modify or deny requests for these temporary use permits.

Section 5. Amend Section 9.23.040 “Application” of the Development Code to read as follows:

9.23.040 Application

A Temporary Use Permit may be approved, conditionally approved or denied by the Director. The Director may request a site plan for the area of the proposed use as well as any other information deemed necessary to make the required findings. Temporary Use Permits for light industrial uses within the General Commercial (C-G) zone shall require Planning Commission approval.

Section 6. Amend paragraph “1” of Section 9.23.030 of the Development Code to read as follows:

9.23.030 Permitted Temporary Uses

I. Temporary Light Industrial Use in vacant commercial buildings. – Clean industrial uses including light manufacturing and distribution shall be limited to vacant commercial buildings larger than 40,000 square feet, where the business is conducted completely within an enclosed area of the building. The uses are subject to the Development Standards identified in Section 9.35.040 consistent with the “General Commercial C-G” uses. These uses are permitted for a maximum time of ten (10) years with the ability to obtain three (3) one year extensions.

Section 7. Amend paragraph “1” of subsection “A” “Authority” of Section 9.23.060 “Conditions of Approval” to read as follows:

9.23.060 Conditions of Approval

A. Authority. In approving an application for a Temporary Use Permit, the Director or Planning Commission may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 9.23.050 above. These conditions may involve any pertinent factors affecting the operation of such temporary event or use, and may include, but shall not be limited to:

1. For uses related to construction activities, a provision shall be included for a fixed period not to exceed one (1) year for a temporary use, three (3) one (1) year extensions may be granted by the Director. For light industrial uses within the General Commercial zone, the Temporary Use Permit (TUP) shall not exceed ten (10) years and three (3) one year extensions may be granted by the Director;

Section 8. Add Section 9.23.065 “Industrial Uses” to read as the following:

Section 9.23.065 – Industrial Uses

Industrial uses permitted in commercial zoning shall be limited to the types of clean and light industrial uses identified for Planned Industrial (I-P) zones in Section 9.45.030 – A and development standards in Section 9.35.040 General Commercial (C-G). All industrial uses shall be conducted within an enclosed building that is greater than 40,000 square feet in size.

Section 9. Amend subsection “F” “Manufacturing/Production/Wholesale Uses” of Table 9.35.030-A “Permitted Uses”, of the Code and add footnote (6) to Table 9.35.030-A to read as follows and the use shall be conducted solely within the building and outside storage shall not be permitted:

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
<i>F. Manufacturing/Production/Wholesale Uses</i> ⁽⁴⁾						
1. All uses in Table 9.45.030-A (Sections A-G) where conducted within a completely enclosed building, except for accessory outdoor storage ⁽⁶⁾		<u>TUP</u>	P			

⁽⁶⁾ Only includes existing vacant buildings greater than 40,000 square feet in floor area and would be subject to the TUP regulations identified in Chapter 9.23 “Temporary Use Permits”.

Section 10. Amend the first paragraph of Section 9.23.050 “Required Findings” to read as the following:

9.23.050 Required Findings

The Director or the Planning Commission may approve, modify or conditionally approve a Temporary Use Permit application only when the following findings are met:

Section 11. Add finding E. to Section 9.23.050 “Required Findings” to read as the following:

E. The location of the Temporary Use is compatible with the surrounding uses and there are no negative impacts to the surrounding area.

Approved and Adopted by the Planning Commission of the Town of Apple Valley
this 20th day of August 2014.

Vice-Chairman Doug Qualls

ATTEST:

I, Debra Thomas, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 20th day of August 2014 by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Debra Thomas, Planning Commission Secretary

ORDINANCE NO. 465

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 CHAPTERS 9.23 and 9.35 AS IT RELATES TO ALLOWING LIGHT INDUSTRIAL USES IN VACANT COMMERCIAL BUILDINGS GREATER THAN 40,000 SQUARE FEET IN THE GENERAL COMMERCIAL (C-G) ZONE

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 to Chapter 9.23 "Temporary Use Permit" of Title 9 "Development Code" of the Apple Valley Municipal Code as it relates to the regulations to allow light industrial uses in vacant commercial buildings within the General Commercial (C-G) zone; and

WHEREAS, Specific changes to Table 9.35.030-A "Permitted Uses", of Title 9 "Development Code" of the Apple Valley Municipal Code as it relates to "Manufacturing/Production/Wholesale" uses in the C-G zone ; and

WHEREAS, Development Code Amendment No. 2014-003 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 September 12, 2014, Development Code Amendment No. 2014-003 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, on August 20, 2014, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2014-003 receiving testimony from the public and adopting Planning Commission Resolution No. 2013-012 forwarding a recommendation to the Council; and

WHEREAS, on September 23, 2014, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2014-003, 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. Find that the changes proposed by Development Code Amendment No. 2014-003 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. 2014-003 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.23.010 "Purpose" of the Development Code to read as follows:

9.23.010 Purpose

This Chapter is intended to establish regulations and procedures for the review of temporary accessory uses and for temporary uses related to current and ongoing construction activities that are not otherwise permitted or regulated in this Development Code. In addition, this chapter is also intended to establish regulations and procedures for the review of temporary uses that are listed as such in the use tables of the Development Code. The review of these temporary uses is necessary in order to minimize any adverse effects on surrounding properties and infrastructure or on the public health, safety and welfare.

Section 4. Amend Section 9.23.020 "Authority" of the Development Code to read as follows:

9.23.020 Authority

A. Review Authority. The Director is authorized to approve, conditionally approve, modify, or deny requests for temporary uses that pertain to current and ongoing construction activities. The Director may establish conditions and limitations necessary to minimize detrimental effects on surrounding property and/or the general public. The Director may refer applications for a Temporary Use Permit to the Commission. The Planning Commission shall review temporary uses listed in the General Commercial (C-G) use table of the Development Code. The Planning Commission can approve, conditionally approve, modify or deny requests for these temporary use permits.

Section 5. Amend Section 9.23.040 “Application” of the Development Code to read as follows:

9.23.040 Application

A Temporary Use Permit may be approved, conditionally approved or denied by the Director. The Director may request a site plan for the area of the proposed use as well as any other information deemed necessary to make the required findings. Temporary Use Permits for light industrial uses within the General Commercial (C-G) zone shall require Planning Commission approval.

Section 6. Amend paragraph “1” of Section 9.23.030 of the Development Code to read as follows:

9.23.030 Permitted Temporary Uses

II. Temporary Light Industrial Use in vacant commercial buildings. – Clean industrial uses including light manufacturing and distribution shall be limited to vacant commercial buildings larger than 40,000 square feet, where the business is conducted completely within an enclosed area of the building. The uses are subject to the Development Standards identified in Section 9.35.040 consistent with the “General Commercial C-G” uses. These uses are permitted for a maximum time of ten (10) years with the ability to obtain three (3) one year extensions.

Section 7. Amend paragraph “1” of subsection “A” “Authority” of Section 9.23.060 “Conditions of Approval” to read as follows:

9.23.060 Conditions of Approval

A. Authority. In approving an application for a Temporary Use Permit, the Director or Planning Commission may impose conditions deemed necessary to ensure that the permit will be in accordance with the findings required by Section 9.23.050 above. These conditions may involve any pertinent factors affecting the operation of such temporary event or use, and may include, but shall not be limited to:

1. For uses related to construction activities, a provision shall be included for a fixed period not to exceed one (1) year for a temporary use, three (3) one (1) year extensions may be granted by the Director. For light industrial uses within the General Commercial zone, the Temporary Use Permit (TUP) shall not exceed ten (10) years and three (3) one year extensions may be granted by the Director;

Section 8. Add Section 9.23.065 “Industrial Uses” to read as the following:

Section 9.23.065 – Industrial Uses

Industrial uses permitted in commercial zoning shall be limited to the types of clean and light industrial uses identified for Planned Industrial (I-P) zones in Section 9.45.030 – A and development standards in Section 9.35.040 General Commercial (C-G). All industrial uses shall be conducted within an enclosed building that is greater than 40,000 square feet in size.

Section 9. Amend subsection “F” “Manufacturing/Production/Wholesale Uses” of Table 9.35.030-A “Permitted Uses”, of the Code and add footnote (6) to Table 9.35.030-A to read as follows and the use shall be conducted solely within the building and outside storage shall not be permitted:

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
F. Manufacturing/Production/Wholesale Uses⁽⁴⁾						
1. All uses in Table 9.45.030-A (Sections A-G) where conducted within a completely enclosed building, except for accessory outdoor storage ⁽⁶⁾		TUP	P			

⁽⁶⁾ Only includes existing vacant buildings greater than 40,000 square feet in floor area and would be subject to the TUP regulations identified in Chapter 9.23 “Temporary Use Permits”.

Section 10. Amend the first paragraph of Section 9.23.050 “Required Findings” to read as the following:

9.23.050 Required Findings

The Director or the Planning Commission may approve, modify or conditionally approve a Temporary Use Permit application only when the following findings are met:

Section 11. Add finding E. to Section 9.23.050 “Required Findings” to read as the following:

E. The location of the Temporary Use is compatible with the surrounding uses and there are no negative impacts to the surrounding area.

Section 12. 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 13. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 14. 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 28th day of October, 2014.

Art Bishop, Mayor

ATTEST:

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Mr. John Brown, Town Attorney

Mr. Frank Robinson, Town Manager