

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

AMENDMENT TO THE DEVELOPMENT CODE AS IT RELATES TO PROVIDING A GENERAL CLEAN UP OF THE DEVELOPMENT CODE AS IT PERTAINS TO AMENDING CHAPTERS 9.16 "CONDITIONAL AND SPECIAL USE PERMITS", 9.26 "ENFORCEMENT", 9.28 "RESIDENTIAL DISTRICTS", 9.29 "SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS", 9.30 "MOBILE HOME PARK OR SUBDIVISION STANDARDS", 9.31 "RESIDENTIAL DESIGN STANDARDS", 9.35 "COMMERCIAL AND OFFICE DISTRICTS", 9.36 "SPECIFIC USE REGULATIONS FOR COMMERCIAL AND OFFICE DISTRICTS", 9.65 "AIRPORT OVERLAY DISTRICTS", 9.72 "OFF-STREET PARKING AND LOADING REGULATION" AND 9.74 "SIGNS AND ADVERTISING DISPLAY".

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, stating 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.
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. 383 in its entirety and read by title only.

Proposed by: Planning Division **Item Number** _____

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

Town Council Mtg. 6-10-08

5. **Introduce** Ordinance No. 383, amending various sections of the Code to provide a general clean up as it pertains to amending Chapters 9.16 “Conditional And Special Use Permits”, 9.26 “Enforcement”, 9.28 “Residential Districts”, 9.29 “Specific Use Regulations For Residential Districts”, 9.30 “Mobile Home Park Or Subdivision Standards”, 9.31 “Residential Design Standards”, 9.35 “Commercial And Office Districts”, 9.36 “Specific Use Regulations For Commercial And Office Districts”, 9.65 “Airport Overlay Districts”, 9.72 “Off-Street Parking And Loading Regulation” And 9.74 “Signs And Advertising Display”.
6. **Direct** staff to file a Notice of Exemption.

Summary Statement:

On April 10, 2007, the Town Council initiated Development Code Amendment No. 2007-014 to address minor changes within the Development Code that pertain to making the Code internally consistent and to address small issues that have arisen since the Code's effective date. Listed below are items recommended to be changed, and the suggested corrective language, followed by a separate analysis of each issue. Within this material, additions are noted in **bold** and deletions are noted in ~~strike through~~.

The Planning Commission reviewed these changes to the Development Code and adopted Planning Commission Resolution No. 2008-003, recommending that the Town Council adopt the proposed amendments. Planning Commission Resolution No. 2008-003 is attached to this report.

ANALYSIS:

Special Use Permits are designated under the use chart for more than just residential land uses. Therefore, the following language adds commercial and industrial uses to the description of Special Use Permits.

Amend Chapter 9.16 “Conditional and Special Use Permits” Section 9.16.020 “Applicability”

- A. *Use Permits.* Use permits are hereby established in order to achieve the purpose of this Chapter and to expedite the permit process.
 1. *Special Use Permits.* Special Use Permit provisions shall apply to those uses identified in the residential, **commercial and industrial** use charts for the various zoning districts which require such permits.

The descriptions of the titles designated for enforcement of the Municipal Code were never changed when the positions were created or renamed. The following changes modify the names of the Deputy Town Manager, Director of Economic and Community Development and Director of Public Services, adds the Assistant Director of Community Development and Director of Municipal Services and eliminates the Assistant Town Attorney.

Amend Chapter 9.26 “Enforcement” Section 9.26.020 “Authorization”

- A. The provisions of this Development Code shall be enforced by the officers and authorized representatives of the Town Agencies, Departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Development Code. Among these are, but are not limited to, the following designated enforcement officers for the provisions of the Town Municipal Code:

1. Town Manager
2. Deputy Town Manager of ~~Community Development~~
3. Director of **Economic and Community Development**
4. **Assistant Director of Community Development**
- 4.5. ~~Town~~ Building Official
- 5.6. Town Engineer
- 6.7. Director of Public ~~Works~~ **Services**
- 7.8. Town Attorney
- 8.9. ~~Assistant Town Attorney~~ **Director of Municipal Services**
- 9.10. Code Enforcement Officers

The description of the Multi-family Residential (R-M) land use designation was never changed with the 2000 Housing Element Update, when the overall densities were increased to twenty (20) units to the acre. This consistency change was not provided with the more recent changes to the R-M development standards adopted in 2006. This amendment creates consistency between the General Plan and the Development Code.

**Amend Chapter 9.28 “Residential Districts”
Section 9.28.020 “Residential Districts”**

G. Multi-Family Residential (R-M). This district is intended to provide an area for higher density housing types, including single family attached and multi-family homes such as duplexes, condominiums, townhouses, apartments and senior housing developments. Up to ~~ten (10)~~ **twenty (20)** units per acre may be allowed. The minimum lot size shall be 0.4 net acres (18,000 square feet). The maximum number of units allowed on a parcel located in the R-M district shall be calculated by multiplying the total net area of the lot in acres by ~~ten (10)~~ **twenty (20)** units per acre.

On February 20, 2008, the Planning Commission adopted a Development Code interpretation that states that single-family residences constructed in the Multi-family Residential (R-M) zone can have the same number of dogs and cats allowed in single-family zoning districts within the Town. This change to the Development Code provides consistency with the interpretation of the Planning Commission and the permitted use table.

**Amend Chapter 9.28 “Residential Districts”
Table 9.28.030-A by adding Footnote No. 12.**

Table 9.28.030-A Permitted Uses

TYPE OF USE	DISTRICT ¹							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ²
B. Agricultural and Animal Uses								
5. Dogs and cats as follows:								
Up to 1 dog or 1 cat	P	P	P	P	P	P	P ⁵	- P
Up to 4 dogs ^{6, 7, 12}	P	P	P	P	P	P	-	P
Up to 4 cats ^{7, 12}	P	P	P	P	P	P	-	

(12.) Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning District.

The required amenities for triplexes and duplexes in the Multi-family Residential (R-M) zoning district states that a minimum of 450 square feet of private outdoor space be provided. The

regulations under 9.29.070B.6 implies that units greater than a triplex require additional amenities within the project. The change shown below is consistent with the Development Code requirement and requires that development of four (4) units or more require a specified number of amenities within the project.

Amend Chapter 9.29 “Specific Use Regulations for Residential Districts”

Table 9.29.070-A

Table 9.29.070-A Required Multi-Family Project Amenities

Number of Dwelling Units	Number of Amenities Required
0 – 4 3	Private outdoor space 450 square feet
4 5 – 10	1
11 – 50	2
51 – 100	3 (including at least one community focal point)
101 – 200	4

Any type of use that is conditioned for a specific period of time should be regulated through a Temporary Use Permit. The specified time of the entitlement is not permanent and, therefore, regulated through the conditions of the permit. A Special Use Permit does not pertain to a temporary period of time; rather, it pertains to a special type of use. This amendment pertains to two (2) areas of the Development Code as shown below.

Amend Chapter 9.29 “Specific Use Regulations for Residential Districts”

Section 9.29.060 “Manufactured Housing Standards”

C. “Development Standards”

4. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a ~~Special Use Permit~~ **Temporary Use Permit**, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.

Amend Chapter 9.72 “Off-Street Parking and Loading Regulations”

Section 9.72.010 “General Provisions”

- J. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a ~~Special Use Permit~~ **Temporary Use Permit**, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year."

The additional language in bold below removes any misconception that a shelter is required for each horse and serves as the primary habitation area. This modification clears up the inconsistency that may be interpreted to allow one shelter for more than one horse.

**Amend Chapter 9.29 “Specific Use Regulations for Residential Districts”
Section 9.29.030 “Animal Keeping and Agricultural Uses in Residential Districts”**

J. “Enclosure Standards”

1. **HORSES.** The minimum size for a horse corral or pen should be no less than 288 square feet. The corral, stall or pen shall be enclosed with a minimum three (3) rails per side with a three (3) foot wide gate. A shelter shall be required **for each horse** within each corral serving as the primary habitation area for the corralled animal and shall be a minimum size of at least eight (8) feet by twelve (12) feet. A horse corral or pen housing more than one horse shall be increased in size by 216 square feet for each additional horse. Horse shelters shall be required within the primary pasture area and shall not be required within round pens, hot walkers, bull pens, arenas, paddocks and pastures not used as the primary area where the horse(s) is confined on the property.

This modification clarifies that at least two (2) covered off-street parking spaces are required for each mobile home space. These spaces could be an enclosed garage or a carport structure.

**Amend Chapter 9.30 “Mobile Home Park or Subdivision Standards”
Section 9.30.030 “Site Development Standards”**

A.

3. **Parking Requirements.** Each unit shall be provided with two **covered** off-street parking spaces as follows:
 - a. Parking spaces shall be improved with concrete surfaces;

Swap meets are included within the parking requirements of the Development Code, but are not included as a permitted or conditionally permitted use within the Commercial Use Table. This modification allows indoor swap meets as an outright permitted use and only allows outdoor swap meets, with a Conditional Use Permit. The parking requirements of one (1) space per 250 square feet of indoor display area, plus one (1) space per every 500 square feet of outdoor display area, would remain as provided in the Parking and Loading Regulations of Table A in Section 9.72.020 of the Development Code.

**Amend Chapter 9.35 “Commercial and Office Districts”
Table 9.35.030-A by adding a new No. 28**

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽²⁾				
	O-P	C-G	C-S	C-R	C-V
<i>C. Commercial Uses</i>					
28. Swap Meets					
Indoor –	-	P	P	-	P
Outdoor -	-	CUP	CUP	-	CUP
28. 29. Thrift or second hand stores	-	P	P	-	P
29. 30. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP
30. 31. Trucking facilities such as:					
a. Truck terminals	-	-	CUP	CUP	-

TYPE OF USE ⁽¹⁾	DISTRICT ⁽²⁾				
	O-P	C-G	C-S	C-R	C-V
b. Truck yards	-	-	CUP	-	-
c. Truck repair	-	-	CUP	-	-
31. 32. Registered vehicle sales/rental including boats, trailers and Campers	-	MCUP	MCUP	MCUP	MCUP
32. 33. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP
33. 34. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP
34. 35. Vocational and business trade schools					
a. Shop related	-	-	SUP	-	-
b. All other	P	P	P	P	P

To further allow swap meets as a permitted and conditionally permitted use, the following regulations for outdoor display of merchandise has been modified for consistency.

**Amend Chapter 9.36 “Specific Use Regulations Commercial and Office Districts”
Section 9.36.170 “Outdoor Displays, Sales and Uses”**

- B. Outdoor Displays and Sales of Merchandise.** All businesses shall be conducted completely within an enclosed building, except that the following outdoor sales and commercial activities may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits:
1. Automobile/vehicle sales and rental, subject to approval of a Conditional Use Permit.
 2. Building material, supplies and equipment, rental and sales, subject to approval of a Conditional Use Permit.
 3. Fruit and vegetable stands, subject to approval of a Special Use Permit.
 4. Horticultural nurseries.
 5. Outdoor recreation uses, see paragraph D, below.
 6. Parking lot and sidewalk sales, subject to approval of a Special Event Permit, see Code Section 9.21.110 “Parking Lot and Sidewalk Sales”.
 7. **Swap Meets (outdoor) subject to approval of a Conditional Use Permit.**

This Section of the Development Code was never modified to provide consistency with the State law that states, Child Day Care Homes/Centers can be permitted with a Large Family Day Care license for facilities or homes that care for nine (9) to fourteen (14) children. Facilities that care for more than fourteen (14) children are not subject to the State mandated regulations of a Large Family Day Care license and are subject to local regulation. In this case facilities that care for fifteen (15) or more children require a Special Use Permit.

**Amend Chapter 9.36 “Specific Use Regulations Commercial and Office Districts”
Section 9.36.130 “Child Day Care Homes/Centers”**

- B. Child Day Care Centers, Facilities for ~~Thirteen (13)~~ Fifteen (15) or More Children.** Child day care centers for ~~thirteen (13)~~ **fifteen (15)** or more children are subject to the approval of a Special Use Permit and the following standards:

Considering the change in technology, and the demand of cyber cafés and recreational game facilities, an arcade, defined as having more than five (5) devices, would have more of an impact, than facility that has less than five (5) devices and is considered an ancillary use. The arcade should have conditions imposed on the use to reduce any impacts and should be more

restrictive than an ancillary use of less than five (5) devices. As such, the requirements for an arcade (Special Use Permit) should not be less restrictive than the location of less than five (5) devices in a permitted business (Conditional Use Permit). Therefore, the proposed change in the Development Code would allow for consistency by requiring a Special Use Permit for the placement of all devices, regardless if located within an arcade or not.

**Amend Chapter 9.36 “Specific Use Regulations Commercial and Office Districts”
Section 9.36.050 “Amusement Devices and Arcades”**

B. Applicability

1. **Amusement Devices.** Amusement devices are permitted in commercial establishments, except in the O-P district, as an accessory use subject to the following:
 - a. Up to five (5) amusement devices, not to exceed ten (10) percent of the public floor area, may be permitted per business without **it being considered an arcade and subject to a Conditional Use Permit Special Use Permit.**
 - b. The amusement devices shall not obstruct entries, exits, aisles, doorways, bicycle parking facilities or other pedestrian areas.
 - c. Adult supervision is required and the amusement devices shall be placed in an area that is visible to the supervisor at all times.
 - d. At least one bicycle parking space shall be provided for each amusement device.
2. **Arcades.** Locations containing more than five (5) amusement devices shall be considered arcades for the purposes of this Chapter. Arcades are permitted in the C-G, C-S, C-R and C-V districts subject to approval of a Special Use Permit.

The County descriptions of its runways at Apple Valley Airport are inconsistent with the lengths and widths described within the Development Code. This modification would provide consistency between the County descriptions and the Development Code.

**Amend Chapter 9.65 “Airport Overlay Districts”
Section 9.65.040 “Airport Overlay Districts”**

B. Airport Overlay District A-1

This overlay district includes the outer safety zone with the runway approach surface which conforms with the adopted Airport Master Plan flight paths that extend along the runway centerline from the ends of each of the runway surfaces. The dimension of those zones are shown below:

DIMENSIONS FOR A-1 AIRPORT OVERLAY DISTRICT				
Runway End	Length	Inner Width	Outer Width	Slope
18	3,500 6,500	500 150	1,000	34:1
36	3,500 6,500	500 150	1,000	20:1
8	3,500 6,500	250 60	1,000	20:1
26	3,500 4,100	250 60	1,000	20:1

NOTE: All dimensions are listed in linear feet.

On December 12, 2006, the Town Council adopted Development Code Amendment 2006-009 which allows for valet parking. Valet parking programs can utilize tandem parking spaces to maximize the number of vehicles being parked. This amendment would allow valet parking to be tandem, provided that the appropriate requirements and entitlements are approved under Section 9.72.030.D of the Development Code.

**Amend Chapter 9.72 “Off-street Parking and Loading Regulation”
Section 9.72.060 “Design Standards for Parking and Loading Spaces”**

A. Parking Space Dimensions and Design

- 4. **Tandem Spaces.** Except for single family residences and mobile home parks, **uncovered** parking spaces shall not be in tandem, one behind the other in a single line, **except for valet parking areas as permitted under Section 9.72.030.D.** Where permitted, each tandem parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet in depth.

The regulation requiring a minimum eighteen (18)-foot wide driveway for a single-family residence conflicts with the minimum side setbacks for Single-Family Residential (R-SF) and Equestrian Residential (R-EQ), which is fifteen (15) and ten (10) feet. If the minimum setbacks are built, the requirement of an eighteen (18) foot driveway can not be provided for a garage located on the side of the property. The proposed twelve (12)-foot driveway width requirement within a fifteen (15) foot side yard setback, allows for a three (3)-foot usually used for planting between the driveway and the property line. Twelve (12) feet is a typical driveway width used in most cities.

**Amend Chapter 9.72 “Off-street Parking and Loading Regulation”
9.72.070 “Access Standards for Parking and Loading Spaces”**

B. Driveways and Ramps

1. Driveways

- a. Driveways for single family residences shall be at least ~~eighteen (18)~~ **twelve (12)** feet wide and shall be maintained clear of all obstructions.

The Development Code does not provide any parking requirements for a mini-storage facility. Several mini-storage facilities have been proposed and approved by the Planning Commission with the same parking ratio as proposed below. This parking ratio is also typical of the parking provisions for this use in other cities. The modification of Mobile Home guest parking is proposed to provide consistency with the “Site Development Standards” for mobile homes provided in Section 9.30.030.

**Amend Chapter 9.72 “Off-street Parking and Loading Regulation”
Table 9.72.020-A**

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
A. Residential (for Senior Citizen developments refer to 9.72.040.C)	
4. Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition provide guest parking of 1 space per 10 4 sites.

H. Industrial Uses

Type of Use	Parking Spaces Required ⁽¹⁾
1. Electronic, computer, aerospace, business machine or other "high-tech" manufacturing uses, provided office use does not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
2. General manufacturing uses provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa or 1 space per 2 employees on the largest shift, whichever is greater; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
3. Industrial buildings with uses not specified, provided office use does not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
4. Mini Storage	1 space per 7,000 square feet of gfa and one space per 300 sf for any ancillary office use
4. 5. Research and development, provided office use not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
5. 6. Salvage yards, recycling centers	1 space per 300 sf of gfa, plus 1 space per 10,000 sf of yard area
6. 7. Warehousing and wholesale uses, provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa for the first 10,000 sf and beyond that, 1 space per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%

The modification shown below, to provide a minimum of five (5) feet from any wall, fence property line, walkway or structure adjacent to a parking space or drive aisle is proposed to provide consistency between Section 9.72.060.B.8.a and Section 9.72.080.A.5. This provision requires a minimum five (5)-foot wide landscaped area for commercial type uses. The inconsistency between the five (5)-foot and seven (7)-foot requirements has created some difficulty in providing consistent interpretation of the minimum landscape area within or adjacent to a parking lot. This modification would create consistency and remove the confusion related to different interpretations.

Amend Chapter 9.72 “Off-street Parking and Loading Regulation”
Section 9.72.060 “Design Standards for Parking and Loading Spaces”

B. Standard Improvements

8. Wheel Stops/Curbing. Continuous concrete curbing at least six (6) inches high and six (6) inches wide, and a minimum of six (6) inches below grade shall be provided as follows:

- a. Continuous concrete curbing shall be provided a minimum of ~~seven (7)~~ **five (5)** feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto (Figure 9.72.060-G).

There is an inconsistency between sign criteria for exempt signs and signs requiring a sign permit. The Development Code states that signs greater than eighteen (18) square feet require a sign permit. Therefore, the proposed change for exempt signage from thirty-two (32) square feet to eighteen (18) square feet provides consistency between the requirements of exempt and non-exempt signage.

Amend Chapter 9.74 “Signs and Advertising Display”
Section 9.74.060 “Exempt Signs”

- N. Temporary sale, lease, or rent signs not exceeding ~~thirty two (32)~~ **eighteen (18)** square feet, subject to the regulations in Section 9.74.160 *Temporary Real Estate Signs* of this Chapter.
- CC. Temporary sale, lease, or rent signs not exceeding ~~thirty two (32)~~ **eighteen (18)** square feet, subject to the regulations in Section 9.74.160-B *Temporary Real Estate Signs* of this Chapter.

The descriptions of the titles designated for enforcement of the Sign Code were never changed when the positions were renamed. The following change appropriately identifies the Director of Economic and Community Development.

**Amend Chapter 9.74 “Signs and Advertising Display”
Section 9.74.230 “Enforcement”**

- C. Public Nuisances
 - 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - a. Any sign or advertising display illegally erected, placed, or encroaching on, or over, any public right-of-way, or any obsolete sign in any public right-of-way;
 - b. Any sign or advertising display declared to be hazardous or unsafe by ~~the Director,~~ the Building Official or the Director of **Economic and** Community Development.

FINDINGS:

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific “Findings” as listed within the Code. Code Section 9.06.060 “Required Findings” of Chapter 9.06 Amendments to Zoning Provisions” specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

9.06.060 “Required Findings

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

Comment: The Town Council finds that the changes proposed by Development Code Amendment No. 2007-014 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan, and will promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

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

Comment: The Town Council further finds that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. Section 15061(b)(3), 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.

RECOMMENDATION:

It is recommended that the Town Council approve Development Code Amendment No. 2007-014 by adopting Ordinance No. ____ as it relates to providing a general clean up of the Development Code as it pertains to amending Chapters 9.16 "Conditional and Special Use Permits", 9.26 "Enforcement", 9.28 "Residential Districts", 9.29 "Specific Use Regulations for Residential Districts", 9.30 "Mobile Home Park or Subdivision Standards", 9.31 "Residential Design Standards", 9.35 "Commercial and Office Districts", 9.36 "Specific Use Regulations for Commercial and Office Districts", 9.65 "Airport Overlay Districts", 9.72 "Off-Street Parking and Loading Regulation" and 9.74 "Signs and Advertising Display".

Attachments:

- Planning Commission Resolution No. 2008-003
- Draft Ordinance No. _____

PLANNING COMMISSION RESOLUTION NO. 2008-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL AMEND TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTERS 9.16 “CONDITIONAL AND SPECIAL USE PERMITS”, 9.26 “ENFORCEMENT”, 9.28 “RESIDENTIAL DISTRICTS”, 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS”, 9.30 “MOBILE HOME PARK OR SUBDIVISION STANDARDS”, 9.31 “RESIDENTIAL DESIGN STANDARDS”, 9.35 “COMMERCIAL AND OFFICE DISTRICTS”, 9.36 “SPECIFIC USE REGULATIONS FOR COMMERCIAL AND OFFICE DISTRICTS”, 9.65 “AIRPORT OVERLAY DISTRICTS”, 9.72 “OFF-STREET PARKING AND LOADING REGULATION” AND 9.74 “SIGNS AND ADVERTISING DISPLAY”.

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, on March 28, 2008, Development Code Amendment No. 2007-014 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 April 16 and May 7, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2007-014, receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2007-014 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.

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, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

Section 1. The Town Council finds that the changes proposed by Development Code Amendment No. 2007-014 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan, and will promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

Section 2. The Town Council further finds that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. Section 15061(b)(3), 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.

Section 3. Amend paragraph 1 “Special Use Permits” of subsection A “Use Permits” of Section 9.16.020 “Applicability” of Chapter 9.16 “Conditional and Special Use Permits” of the Development Code to read as follows:

Section 9.16.020 “Applicability”

- A. *Use Permits.* Use permits are hereby established in order to achieve the purpose of this Chapter and to expedite the permit process.
1. *Special Use Permits.* Special Use Permit provisions shall apply to those uses identified in the residential, commercial and industrial use charts for the various zoning districts which require such permits.

Section 4. Amend paragraphs 2 through 9 and add a new paragraph 4 renumbering in sequential order 5-10 of subsection A of Section 9.26.020 “Authorization” of Chapter 9.26 “Enforcement” of the Development Code to read as follows:

Section 9.26.020 “Authorization”

- A.
1. Town Manager
 2. Deputy Town Manager
 3. Director of Economic and Community Development
 4. Assistant Director of Community Development
 5. Building Official
 6. Town Engineer
 7. Director of Public Services
 8. Town Attorney
 9. Director of Municipal Services
 10. Code Enforcement Officers

Section 5. Amend subsection G “Multi-Family Residential (R-M)” of Section 9.28.020 “Residential Districts” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

- G. *Multi-Family Residential (R-M).* This district is intended to provide an area for higher density housing types, including single family attached and multi-family homes such as duplexes, condominiums, townhouses, apartments and senior housing developments. Up to twenty (20) units per acre may be allowed. The minimum lot size shall be 0.4 net acres (18,000 square feet). The maximum number of units allowed on a parcel located in the R-M district shall be calculated by multiplying the total net area of the lot in acres by twenty (20) units per acre.

Section 6. Add footnote No. 12 to Table 9.28.030-A “Permitted Uses” of Section 9.28.030 “Permitted Uses” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE	DISTRICT ¹							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ²
B. Agricultural and Animal Uses								
5. Dogs and cats as follows:								
Up to 1 dog or 1 cat	P	P	P	P	P	P	P ⁵	- P
Up to 4 dogs ^{6, 7, 12}	P	P	P	P	P	P	-	P
Up to 4 cats ^{7, 12}	P	P	P	P	P	P	-	

(12.)Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning District.

Section 7. Amend Table 9.29.070-A “Required Multi-Family Project Amenities” of Section 9.29.070 “Multi-family Housing Standards” of Chapter 9.29 “Specific Use Regulations for Residential Districts” of the Development Code to read as follows:

Table 9.29.070-A Required Multi-Family Project Amenities

Number of Dwelling Units	Number of Amenities Required
0 – 3	Private outdoor space 450 square feet
4 – 10	1
11 – 50	2
51 – 100	3
101 – 200	(including at least one community focal point) 4

Section 8. Amend paragraph 4 of subsection C “Development Standards” of Section 9.29.060 “Manufactured Housing Standards” of Chapter 9.29 “Specific Use Regulations for Residential Districts” of the Development Code to read as follows:

Section 9.29.060 “Manufactured Housing Standards”

C. Development Standards

4. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.

Section 9. Amend subsection J. of Section 9.72.010 “General Provisions” of Chapter 9.72 “Off-Street Parking and Loading Regulations” of the Development Code to read as follows:

Section 9.72.010 “General Provisions”

J. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may

be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year."

Section 10. Amend paragraph 1 "Horses" of subsection J "Enclosure Standards" of Section 9.29.030 "Animal Keeping and Agricultural Uses in Residential Districts" of Chapter 9.29 "Specific Use Regulations for Residential Districts" of the Development Code to read as follows:

Section 9.29.030 "Animal Keeping and Agricultural Uses in Residential Districts"
J. "Enclosure Standards"

1. **HORSES.** The minimum size for a horse corral or pen should be no less than 288 square feet. The corral, stall or pen shall be enclosed with a minimum three (3) rails per side with a three (3) foot wide gate. A shelter shall be required for each horse within each corral serving as the primary habitation area for the corralled animal and shall be a minimum size of at least eight (8) feet by twelve (12) feet. A horse corral or pen housing more than one horse shall be increased in size by 216 square feet for each additional horse. Horse shelters shall be required within the primary pasture area and shall not be required within round pens, hot walkers, bull pens, arenas, paddocks and pastures not used as the primary area where the horse(s) is confined on the property.

Section 11. Amend paragraph 3 "Parking Requirements" of subsection A of Section 9.30.030 "Site Development Standards" of Chapter 9.30 "Mobile Home Park or Subdivision Standards" of the Development Code to read as follows:

Section 9.30.030 "Site Development Standards"

A.

3. **Parking Requirements.** Each unit shall be provided with two covered off-street parking spaces as follows:

Section 12. Add a new No. 28 "Swap Meets" and renumber 29-35 sequentially, to Section C "Commercial Uses" of Table 9.35.030-A "Permitted Uses" of Chapter 9.35 "Commercial and Office Districts" of the Development Code to read as follows:

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽²⁾				
	O-P	C-G	C-S	C-R	C-V
C. Commercial Uses					
28. Swap Meets					
Indoor –	-	P	P	-	P
Outdoor -	-	CUP	CUP	-	CUP
29. Thrift or second hand stores	-	P	P	-	P
30. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP
31. Trucking facilities such as:					
a. Truck terminals	-	-	CUP	CUP	-
b. Truck yards	-	-	CUP	-	-
c. Truck repair	-	-	CUP	-	-
32. Registered vehicle sales/rental including boats, trailers and Campers	-	MCUP	MCUP	MCUP	MCUP

TYPE OF USE ⁽¹⁾	DISTRICT ⁽²⁾				
	O-P	C-G	C-S	C-R	C-V
33. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP
34. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP
35. Vocational and business trade schools					
a. Shop related	-	-	SUP	-	-
b. All other	P	P	P	P	P

Section 13. Add paragraph No. 7 to subsection B “Outdoor Displays and Sales of Merchandise” to Section 9.36.170 “Outdoor Displays, Sales and Uses” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.170 “Outdoor Displays, Sales and Uses”

B.

7. Swap Meets (outdoor) subject to approval of a Conditional Use Permit.

Section 14. Amend the introductory portion of subsection B “Child Day Care Centers for Thirteen (13) or More Children” of Section 9.36.130 “Child Day Care Homes/Centers” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.130 “Child Day Care Homes/Centers

- B.** *Child Day Care Centers, Facilities for Fifteen (15) or More Children.* Child day care centers for fifteen (15) or more children are subject to the approval of a Special Use Permit and the following standards:

Section 15. Amend sub-paragraph a. of paragraph 1 of subsection B “Applicability” of Section 9.36.050 “Amusement Devices and Arcades” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.050 “Amusement Devices and Arcades”

B. Applicability

1.

- a.** Up to five (5) amusement devices, not to exceed ten (10) percent of the public floor area, may be permitted per business without it being considered an arcade and is subject to a Special Use Permit.

Section 16. Amend the Table in subsection B “Airport Overlay District A-1” of Section 9.65.040 “Airport Overlay Districts” of Chapter 9.65 “Airport Overlay Districts” of the Development Code to read as follows:

DIMENSIONS FOR A-1 AIRPORT OVERLAY DISTRICT				
Runway End	Length	Inner Width	Outer Width	Slope
18	6,500	150	1,000	34:1
36	6,500	150	1,000	20:1
8	6,500	60	1,000	20:1
26	4,100	60	1,000	20:1

Section 17. Amend paragraph No. 4 of subsection A “Parking Space Dimensions and Design” of Section 9.72.060 “Design Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

Section 9.72.060 “Design Standards for Parking and Loading Spaces”

A. Parking Space Dimensions and Design

4. **Tandem Spaces.** Except for single family residences and mobile home parks, uncovered parking spaces shall not be in tandem, one behind the other in a single line, except for valet parking areas as permitted under Section 9.72.030.D. Where permitted, each tandem parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet in depth.

Section 18. Amend sub-paragraph a. of paragraph 1 “Driveways” of subsection B “Driveways and Ramps” of Section 9.72.070 “Access Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

9.72.070 “Access Standards for Parking and Loading Spaces”

B. Driveways and Ramps

1. Driveways

- a. Driveways for single family residences shall be at least twelve (12) feet wide and shall be maintained clear of all obstructions.

Section 19. Amend No. 4 “Mobile Home Parks” of subsection A “Residential” of Table 9.72.020-A “Required Parking Spaces” of Section 9.72.020 “Parking and Loading Spaces Required Per Use” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required⁽¹⁾
A. Residential (for Senior Citizen developments refer to 9.72.040.C)	
4. Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition provide guest parking of 1 space per 4 sites.

Section 20. Add No. 4 “Mini Storage” to subsection H “Industrial Uses” of Table 9.72.020-A “Required Parking Spaces” of Section 9.72.020 “Parking and Loading Spaces Required Per Use” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code and renumber in sequential order No. 5-7 to read as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
H. Industrial Uses	
4. Mini Storage	1 space per 7,000 square feet of gfa and one space per 300 sf for any ancillary office use
5. Research and development, provided office use not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
6. Salvage yards, recycling centers	1 space per 300 sf of gfa, plus 1 space per 10,000 sf of yard area
7. Warehousing and wholesale uses, provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa for the first 10,000 sf and beyond that, 1 space per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%

Section 21. Amend sub-paragraph a. of paragraph 8 “Wheel Stops/Curbing” of subsection B “Standard Improvements” of Section 9.72.060 “Design Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development code to read as follows:

Section 9.72.060 “Design Standards for Parking and Loading Spaces”

B. Standard Improvements

8. Wheel Stops/Curbing.

- a. Continuous concrete curbing shall be provided a minimum of five (5) feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto (Figure 9.72.060-G).

Section 22. Amend subsections N and CC of Section 9.74.060 “Exempt Signs” of Chapter 9.74 “Signs and Advertising Display” of the Development Code to read as follows:

Section 9.74.060 “Exempt Signs”

- N. Temporary sale, lease, or rent signs not exceeding eighteen (18) square feet, subject to the regulations in Section 9.74.160 *Temporary Real Estate Signs* of this Chapter.
- CC. Temporary sale, lease, or rent signs not exceeding eighteen (18) square feet, subject to the regulations in Section 9.74.160-B *Temporary Real Estate Signs* of this Chapter.

Section 23. Amend sub-paragraph b. of paragraph 1 of subsection C “Public Nuisances” of Section 9.74.230 “Enforcement” of Chapter 9.74 “Signs and Advertising Display” of the Development Code to read as follows:

Section 9.74.230 “Enforcement”

C. Public Nuisances

1.

- b. Any sign or advertising display declared to be hazardous or unsafe by the Building Official or the Director of Economic and Community Development.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 7th day of May, 2008.

David Hernandez, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2008- was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 7th day of May, 2008, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Patty Hevle, Planning Commission Secretary

ORDINANCE NO. ____

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 9.16 “CONDITIONAL AND SPECIAL USE PERMITS”, 9.26 “ENFORCEMENT”, 9.28 “RESIDENTIAL DISTRICTS”, 9.29 “SPECIFIC USE REGULATIONS FOR RESIDENTIAL DISTRICTS”, 9.30 “MOBILE HOME PARK OR SUBDIVISION STANDARDS”, 9.31 “RESIDENTIAL DESIGN STANDARDS”, 9.35 “COMMERCIAL AND OFFICE DISTRICTS”, 9.36 “SPECIFIC USE REGULATIONS FOR COMMERCIAL AND OFFICE DISTRICTS”, 9.65 “AIRPORT OVERLAY DISTRICTS”, 9.72 “OFF-STREET PARKING AND LOADING REGULATION” AND 9.74 “SIGNS AND ADVERTISING DISPLAY”.

The Town Council of the Town of Apple Valley, State of California, does 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 October 24, 2000; 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 to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending various sections of the Code to provide a general clean up as it pertains to amending Chapters 9.16 “Conditional And Special Use Permits”, 9.26 “Enforcement”, 9.28 “Residential Districts”, 9.29 “Specific Use Regulations For Residential Districts”, 9.30 “Mobile Home Park Or Subdivision Standards”, 9.31 “Residential Design Standards”, 9.35 “Commercial And Office Districts”, 9.36 “Specific Use Regulations For Commercial And Office Districts”, 9.65 “Airport Overlay Districts”, 9.72 “Off-Street Parking And Loading Regulation” And 9.74 “Signs And Advertising Display”.

(iv) On May 30, 2008, Development Code Amendment No. 2007-014 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) 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

(vi) On May 7, 2007 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2007-014, receiving testimony from the public and adopted Planning Commission Resolution No. 2008-003 recommending adoption of this Ordinance; and

(vii) Development Code Amendment No. 2007-014 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. 2007-014 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), the project is exempt from further environmental review. Section 15061(b)(3), 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

Section 3. Amend paragraph 1 “Special Use Permits” of subsection A “Use Permits” of Section 9.16.020 “Applicability” of Chapter 9.16 “Conditional and Special Use Permits” of the Development Code to read as follows:

Section 9.16.020 “Applicability”

- A. *Use Permits.* Use permits are hereby established in order to achieve the purpose of this Chapter and to expedite the permit process.
2. *Special Use Permits.* Special Use Permit provisions shall apply to those uses identified in the residential, commercial and industrial use charts for the various zoning districts which require such permits.

Section 4. Amend paragraphs 2 through 9 and add a new paragraph 4 renumbering in sequential order 5-10 of subsection A of Section 9.26.020 “Authorization” of Chapter 9.26 “Enforcement” of the Development Code to read as follows:

Section 9.26.020 “Authorization”

- A.
1. Town Manager
 2. Deputy Town Manager

3. Director of Economic and Community Development
4. Assistant Director of Community Development
5. Building Official
6. Town Engineer
7. Director of Public Services
8. Town Attorney
9. Director of Municipal Services
10. Code Enforcement Officers

Section 5. Amend subsection G “Multi-Family Residential (R-M)” of Section 9.28.020 “Residential Districts” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

G. Multi-Family Residential (R-M). This district is intended to provide an area for higher density housing types, including single family attached and multi-family homes such as duplexes, condominiums, townhouses, apartments and senior housing developments. Up to twenty (20) units per acre may be allowed. The minimum lot size shall be 0.4 net acres (18,000 square feet). The maximum number of units allowed on a parcel located in the R-M district shall be calculated by multiplying the total net area of the lot in acres by twenty (20) units per acre.

Section 6. Add footnote No. 12 to Table 9.28.030-A “Permitted Uses” of Section 9.28.030 “Permitted Uses” of Chapter 9.28 “Residential Districts” of the Development Code to read as follows:

Table 9.28.030-A Permitted Uses

TYPE OF USE	DISTRICT ¹							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD ²
B. Agricultural and Animal Uses								
5. Dogs and cats as follows:								
Up to 1 dog or 1 cat	P	P	P	P	P	P	P ⁵	- P
Up to 4 dogs ^{6, 7, 12}	P	P	P	P	P	P	-	P
Up to 4 cats ^{7, 12}	P	P	P	P	P	P	-	

(13.)Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning District.

Section 7. Amend Table 9.29.070-A “Required Multi-Family Project Amenities” of Section 9.29.070 “Multi-family Housing Standards” of Chapter 9.29 “Specific Use Regulations for Residential Districts” of the Development Code to read as follows:

Table 9.29.070-A Required Multi-Family Project Amenities

Number of Dwelling Units	Number of Amenities Required
0 – 3	Private outdoor space 450 square feet
4 – 10	1
11 – 50	2
51 – 100	3 (including at least one community focal point)
101 – 200	4

Section 8. Amend paragraph 4 of subsection C “Development Standards” of Section 9.29.060 “Manufactured Housing Standards” of Chapter 9.29 “Specific Use Regulations for Residential Districts” of the Development Code to read as follows:

Section 9.29.060 “Manufactured Housing Standards”

C. Development Standards

4. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.

Section 9. Amend subsection J. of Section 9.72.010 “General Provisions” of Chapter 9.72 “Off-Street Parking and Loading Regulations” of the Development Code to read as follows:

Section 9.72.010 “General Provisions”

- J. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year."

Section 10. Amend paragraph 1 “Horses” of subsection J “Enclosure Standards” of Section 9.29.030 “Animal Keeping and Agricultural Uses in Residential Districts” of Chapter 9.29 “Specific Use Regulations for Residential Districts” of the Development Code to read as follows:

Section 9.29.030 “Animal Keeping and Agricultural Uses in Residential Districts”

J. “Enclosure Standards”

2. **HORSES.** The minimum size for a horse corral or pen should be no less than 288 square feet. The corral, stall or pen shall be enclosed with a minimum three (3) rails per side with a three (3) foot wide gate. A shelter shall be required for each horse within each corral serving as the primary habitation area for the corralled animal and shall be a minimum size of at least eight (8) feet by twelve (12) feet. A horse corral or pen housing more than one horse shall be increased in size by 216 square feet for each additional horse. Horse shelters shall be required within the primary pasture area and shall not be required within round pens, hot walkers, bull pens, arenas, paddocks and pastures not used as the primary area where the horse(s) is confined on the property.

Section 11. Amend paragraph 3 “Parking Requirements” of subsection A of Section 9.30.030 “Site Development Standards” of Chapter 9.30 “Mobile Home Park or Subdivision Standards” of the Development Code to read as follows:

Section 9.30.030 “Site Development Standards”

A.

3. **Parking Requirements.** Each unit shall be provided with two covered off-street parking spaces as follows:

Section 12. Add a new No. 28 “Swap Meets” and renumber 29-35 sequentially, to Section C “Commercial Uses” of Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial and Office Districts” of the Development Code to read as follows:

Table 9.35.030-A Permitted Uses

TYPE OF USE ⁽¹⁾	DISTRICT ⁽²⁾				
	O-P	C-G	C-S	C-R	C-V
C. Commercial Uses					
28. Swap Meets					
Indoor –	-	P	P	-	P
Outdoor -	-	CUP	CUP	-	CUP
29. Thrift or second hand stores	-	P	P	-	P
30. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP
31. Trucking facilities such as:					
a. Truck terminals	-	-	CUP	CUP	-
b. Truck yards	-	-	CUP	-	-
c. Truck repair	-	-	CUP	-	-
32. Registered vehicle sales/rental including boats, trailers and Campers	-	MCUP	MCUP	MCUP	MCUP
33. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP
34. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP
35. Vocational and business trade schools					
a. Shop related	-	-	SUP	-	-
b. All other	P	P	P	P	P

Section 13. Add paragraph No. 7 to subsection B “Outdoor Displays and Sales of Merchandise” to Section 9.36.170 “Outdoor Displays, Sales and Uses” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.170 “Outdoor Displays, Sales and Uses”

B.

7. Swap Meets (outdoor) subject to approval of a Conditional Use Permit.

Section 14. Amend the introductory portion of subsection B “Child Day Care Centers for Thirteen (13) or More Children” of Section 9.36.130 “Child Day Care Homes/Centers” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.130 “Child Day Care Homes/Centers

B. *Child Day Care Centers, Facilities for Fifteen (15) or More Children.* Child day care centers for fifteen (15) or more children are subject to the approval of a Special Use Permit and the following standards:

Section 15. Amend sub-paragraph a. of paragraph 1 of subsection B “Applicability” of Section 9.36.050 “Amusement Devices and Arcades” of Chapter 9.36 “Specific Use Regulations Commercial and Office Districts” of the Development Code to read as follows:

Section 9.36.050 “Amusement Devices and Arcades”

B. Applicability

I.

a. Up to five (5) amusement devices, not to exceed ten (10) percent of the public floor area, may be permitted per business without it being considered an arcade and is subject to a Special Use Permit.

Section 16. Amend the Table in subsection B “Airport Overlay District A-1” of Section 9.65.040 “Airport Overlay Districts” of Chapter 9.65 “Airport Overlay Districts” of the Development Code to read as follows:

DIMENSIONS FOR A-1 AIRPORT OVERLAY DISTRICT				
Runway End	Length	Inner Width	Outer Width	Slope
18	6,500	150	1,000	34:1
36	6,500	150	1,000	20:1
8	6,500	60	1,000	20:1
26	4,100	60	1,000	20:1

Section 17. Amend paragraph No. 4 of subsection A “Parking Space Dimensions and Design” of Section 9.72.060 “Design Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

Section 9.72.060 “Design Standards for Parking and Loading Spaces”

A. Parking Space Dimensions and Design

4. *Tandem Spaces.* Except for single family residences and mobile home parks, uncovered parking spaces shall not be in tandem, one behind the other in a single line, except for valet parking areas as permitted under Section 9.72.030.D. Where permitted, each tandem parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet in depth.

Section 18. Amend sub-paragraph a. of paragraph 1 “Driveways” of subsection B “Driveways and Ramps” of Section 9.72.070 “Access Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

9.72.070 “Access Standards for Parking and Loading Spaces”

B. Driveways and Ramps

1. Driveways

- a. Driveways for single family residences shall be at least twelve (12) feet wide and shall be maintained clear of all obstructions.

Section 19. Amend No. 4 “Mobile Home Parks” of subsection A “Residential” of Table 9.72.020-A “Required Parking Spaces” of Section 9.72.020 “Parking and Loading Spaces Required Per Use” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code to read as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
<i>A. Residential</i> (for Senior Citizen developments refer to 9.72.040.C)	
4. Mobile home parks	2 covered spaces per site. Parking may be in tandem. In addition provide guest parking of 1 space per 4 sites.

Section 20. Add No. 4 “Mini Storage” to subsection H “Industrial Uses” of Table 9.72.020-A “Required Parking Spaces” of Section 9.72.020 “Parking and Loading Spaces Required Per Use” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development Code and renumber in sequential order No. 5-7 to read as follows:

Table 9.72.020-A Required Parking Spaces

Type of Use	Parking Spaces Required ⁽¹⁾
<i>H. Industrial Uses</i>	
4. Mini Storage	1 space per 7,000 square feet of gfa and one space per 300 sf for any ancillary office use
5. Research and development, provided office use not exceed 25% of the gfa	3 spaces per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%
6. Salvage yards, recycling centers	1 space per 300 sf of gfa, plus 1 space per 10,000 sf of yard area
7. Warehousing and wholesale uses, provided office use does not exceed 25% of the gfa	1 space per 500 sf of gfa for the first 10,000 sf and beyond that, 1 space per 1,000 sf of gfa; for office area that exceeds 25%, provide 1 space per 200 sf in excess of 25%

Section 21. Amend sub-paragraph a. of paragraph 8 “Wheel Stops/Curbing” of subsection B “Standard Improvements” of Section 9.72.060 “Design Standards for Parking and Loading Spaces” of Chapter 9.72 “Off-street Parking and Loading Regulation” of the Development code to read as follows:

Section 9.72.060 “Design Standards for Parking and Loading Spaces”

B. Standard Improvements

8. Wheel Stops/Curbing.

- a. Continuous concrete curbing shall be provided a minimum of five (5) feet from any wall, fence, property line, walkway, or structure where parking and/or drive aisles are located adjacent thereto (Figure 9.72.060-G).

Section 22. Amend subsections N and CC of Section 9.74.060 “Exempt Signs” of Chapter 9.74 “Signs and Advertising Display” of the Development Code to read as follows:

Section 9.74.060 “Exempt Signs”

- N. Temporary sale, lease, or rent signs not exceeding eighteen (18) square feet, subject to the regulations in Section 9.74.160 *Temporary Real Estate Signs* of this Chapter.
- CC. Temporary sale, lease, or rent signs not exceeding eighteen (18) square feet, subject to the regulations in Section 9.74.160-B *Temporary Real Estate Signs* of this Chapter.

Section 23. Amend sub-paragraph b. of paragraph 1 of subsection C “Public Nuisances” of Section 9.74.230 “Enforcement” of Chapter 9.74 “Signs and Advertising Display” of the Development Code to read as follows:

Section 9.74.230 “Enforcement”

- C. Public Nuisances
 - 1.
 - b. Any sign or advertising display declared to be hazardous or unsafe by the Building Official or the Director of Economic and Community Development.

Section 24. 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 25. 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 26. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 27. 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 ____ day of June, 2008.

Honorable Timothy Jasper, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James L. Cox, Town Manager