



**ORDINANCE NO. 383**

**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.

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 <sup>1</sup>							
	R-VLD	R-A	R-LD	R-E	R-EQ	R-SF	R-M	PRD <sup>2</sup>
<b>B. Agricultural and Animal Uses</b>								
5. Dogs and cats as follows:								-
Up to 1 dog or 1 cat	P	P	P	P	P	P	P <sup>5</sup>	P
Up to 4 dogs <sup>6, 7, 12</sup>	P	P	P	P	P	P	-	P
Up to 4 cats <sup>7, 12</sup>	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 (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”**

- 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 <sup>(1)</sup>	DISTRICT <sup>(2)</sup>				
	O-P	C-G	C-S	C-R	C-V
<b>C. Commercial Uses</b>					
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	-	MCU P	MCU P	MCU P	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 <sup>(1)</sup>
<b>A. Residential</b> (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 <sup>(1)</sup>
<b>H. Industrial Uses</b>	
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 24th day of June, 2008.

\_\_\_\_\_  
Honorable Timothy Jasper, Mayor

ATTEST:

\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. Neal Singer, Town Attorney

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Mr. James L. Cox, Town Manager