

## Full Text of Ordinance

The people of the Town of Apple Valley do hereby ordain as follows:

### Section 1. Findings and Purpose.

- A. The protection of existing rural atmosphere and equestrian lifestyle is of critical importance to the present and future residents of the Town of Apple Valley.
- B. The unique character of the Town of Apple Valley and quality of life of Town residents depend on the protection of the minimum residential lot size of one-half (1/2) acre. The protection of 1/2 acre residential lot size not only ensures this unique character and quality of life, but also protects the available water supply, contributes to flood control, and sustains the protection of wildlife, environmentally sensitive areas, irreplaceable natural resources, and open spaces.
- C. Many residents of the Town of Apple Valley maintain an equestrian lifestyle. The interest of the Town and its residents to preserve this lifestyle is indicated by Council Resolution 89-63. The need to provide facilities for the use and enjoyment of equestrians is an issue addressed in the Circulation Element of the Town of Apple Valley General Plan.
- D. Reducing lot size to allow four (4) units per acre will threaten the public health, safety, and welfare by causing associated or increased air pollution due to traffic congestion, and potentially serious water problems such as pollution, depletion and sedimentation of available water resources. Such increased density encroachment will result in both unnecessary and expensive increased public services and facilities that the taxpayers cannot afford.
- E. The purpose of this initiative is to ensure that until December 31, 2020, the foregoing General Plan provisions governing intent and maximum building intensity may not be changed except by vote of the people, and that the provisions governing minimum lot size may not be changed to reduce the minimum lot size of one-half (1/2) acre except by vote of the people.

### Section 2. General Plan Amendment.

- A. The Residential Lot Size initiative hereby reaffirms and readopts, until December 31, 2020, Goal LU-1, Policy LU-1.1, LU-1.2, LU-1.3, LU-1.4; Goal LU-2, Policy LU-2.1, LU-2.2, LU-2.3, LU-2.4, LU-2.5, LU-2.6; Goal LU-3, Policy LU-3.1, LU-3.2, LU-3.3, LU-3.4, LU-3.5, LU-3.6, LU-3.7, LU-3.8, LU-3.9, LU-3.10; Goal LU-4, Policy LU-4.1, LU-4.2, LU-4.3, LU-4.4, LU-4.5, LU-4.6, LU-4.7; Goal LU-5, Policy LU-5.1, LU-5.2, LU-5.3; Goal LU-6, Policy LU-6.1, LU-6.2, LU-6.3, LU-6.4 of the Land Use Element of the Town of Apple Valley General Plan adopted on September 10, 1991.
- B. In addition, the initiative hereby reaffirms and readopts, until December 31, 2020, the Land Use Designations and Land Use Policy Map (figure LU-3), Equestrian Neighborhood Map of the Land Use Element of the Town of Apple Valley General Plan adopted on September 10, 1991, as amended through January 1, 1999.

- C. Finally, the text of Single-Family Residential (R-SF) (1 dwelling unit per 0.4 to 0.9 net acres) of the Land Use Element of the Town of Apple Valley General Plan adopted on September 10, 1991, shall be amended to add:
- 1.0. Limitations on General Plan Amendments Relating to Single-Family Residential (R-SF) (1 dwelling unit per 0.4 to 0.9 net acres).
    - a. Until December 31, 2020, the provisions governing the intent and maximum building intensity for Single-Family Residential R-SF (1 dwelling unit per 0.4 to 0.9 net acres) set forth in the Land Use Designations and Land Use Policy Map of the Land Use Element of the Town of Apple Valley General Plan adopted on September 10, 1991, as amended through January 1, 1999, (hereinafter the "Land Use Element") shall not be amended unless such amendment is approved by vote of the people.
    - b. Until December 31, 2020, the provisions governing minimum lot size for land designated Single-Family Residential R-SF set forth in the Land Use Designation of the Land Use Element shall not be amended to reduce minimum lot sizes unless such amendment is approved by vote of the people.

### Section 3. Implementation.

- A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the Land Use Element of the Town of Apple Valley General Plan as an amendment thereof, except that if the four amendments of the mandatory Elements of the General Plan permitted by state law for any given calendar year have already been utilized in 1999 prior to the effective date of this initiative, this General Plan amendment shall be deemed inserted in the Town of Apple Valley General Plan on January 1, 2000. At such time as this General Plan amendment is inserted in the Town of Apple Valley General Plan (hereinafter, the "insertion date") any provisions of the Town Zoning Ordinance inconsistent with that amendment shall not be enforced to the extent of the inconsistency.
- 1.0. Within one hundred-eighty (180) days of the insertion date, the Town shall complete such revisions of its General Plan, including but not limited to, the General Plan Land Use Map adopted by the Town Council on September 10, 1991, as amended through January 1, 1999, and accompanying text, as are necessary to achieve consistency with all provisions of this initiative.
  - 2.0. Also within one hundred-eighty (180) days of the insertion date, the Town shall complete such revisions of its Zoning Ordinance and other land use regulations as are necessary to conform to all provisions of the initiative.

### Section 4. Restrictions.

This initiative shall not restrict any landowner from requesting, through normal Town of Apple Valley procedures, any zone change consistent with the Land Use Element of the Town of Apple Valley General Plan adopted on September 10, 1991, as amended through January 1, 1999.

**Section 5. Severability.**

If any portion of this initiative is declared invalid by a court of law, the remaining portions are to be considered valid.

**Section 6. Amendment or Repeal.**

This initiative may be amended or repealed only by the voters at a Town of Apple Valley election.