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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, SEPTEMBER 4, 2019

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Jason Lamoreaux, Chairman
Bruce Kallen, Vice-Chairman
B. R. "Bob" Tinsley, Commissioner
Joel Harrison, Commissioner
Mike Arias Jr., Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY SEPTEMBER 4, 2019 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Tinsley _____; Arias _____; Harrison _____
Vice-Chairman Kallen _____ and Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

APPROVAL OF MINUTES

- 1a. Minutes for the regular meeting of August 7, 2019
- 1b. Minutes for the regular meeting of August 21, 2019.

PUBLIC HEARING ITEMS

2. **Development Code Amendment No. 2019-010.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that, through the Deviation Permit process, would allow a reduction to setbacks, landscaping and standard parking spaces and allow an increase in building height from the standards found in Chapter 9.35 "Commercial and Office Districts".

APPLICANT: Town of Apple Valley

LOCATION: Town-Wide

**ENVIRONMENTAL
DETERMINATION:**

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.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-012

3. **Development Code Amendment No. 2019-009.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Table 9.35.030-A of Chapter 9.35 "Commercial and Office Districts" and Table 9.45.030-A "Permitted Uses" of Chapter 9.45 "Industrial Districts" as needed to address current trends and remove outdated language. The Commission shall also consider replacing the Conditional Use Permit process with a Special Use Permit process for uses that have limited impacts upon the surrounding property owners.

APPLICANT: Town of Apple Valley

LOCATION: Town-Wide

**ENVIRONMENTAL
DETERMINATION:**

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.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-013

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on September 18, 2019.

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

August 7, 2019

CALL TO ORDER

Vice-Chairman Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:05 p.m.

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Commissioner Tinsley, Vice-Chairman Kallen.
Absent: Chairman Lamoreaux

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Richard Pederson, Deputy Engineer, Thomas Rice, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of May 15, 2019.

Motion by Commissioner Harrison, and second by Commissioner Tinsley to approve the minutes of May 15, 2019.

ROLL CALL VOTE

Yes: Commissioner Tinsley
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: Vice-Chairman Kallen

Absent: Chairman Lamoreaux

The motion carried by a 3-0-1-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

2. **Zone Change No. 2019-001.** A request to consider a zone change for two (2) parcels from Equestrian Residential (R-EQ) to Single Family Residential (R-SF).

Applicant: Christopher Connors

Vice-Chairman Kallen opened the public hearing at 6:07 p.m.

Ms. Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Commissioner Harrison asked why the High Desert Church did not want to move forward on with zone change and what the impact was. Ms. Miller stated there was no impact and if they should desire to build a church in the future, both zonings allowed for the construction of the church.

Commissioner Arias asked if there were any equestrian trails on this lot. Ms. Miller said there are no trails on these parcels.

Commissioner Kallen also asked about the trails near the lots. Ms. Miller stated the trail/public utility run along the rear easterly parcels.

Christopher Connors, Applicant said he was just trying to change the lot to RSF to keep it uniform with the surrounding parcels.

Vice-Chairman Kallen open the Public Comment at 6:17p.m.

William Bets, Apple Valley Resident said he has no issue regarding the zone change. Mr. Bets is concerned with the traffic congestion that would come if homes were built around the park.

Mary Dellavelle, Apple Valley Resident has issues regarding the equestrian trail behind her home being blocked. Ms. Dellavelle is also concerned with the traffic congestion if homes were built.

Chairman Lamoreaux arrived at 6:18pm.

Dianne Strother, Apple Valley Resident also said she was concerned about the traffic congestion and the Joshua trees in the lot.

Vice-Chairman Kallen closed the Public Hearing at 6:24.

Vice-Chairman Kallen said he did not have a problem with the zone change, since all the surrounding parcels were RSF.

Commissioner Tinsley stated he was happy to see the involvement of the residents.

Chairman Lamoreaux stated he would abstain from the vote, due to late arrival.

MOTION

Motion by Commissioner Tinsley, seconded by Commissioner Arias that the Planning Commission move to approve Zone Change 2019-001.

ROLL CALL VOTE

Yes: Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Commissioner Tinsley

Noes: None

Abstain: Chairman Lamoreaux

Absent: None

The motion carried by a 4-0-1-0 vote

- 3. Development Code Amendment 2019-006.** An amendment to Section 9.08 "Definitions" adding a definition for "Assembly of Products" and amend Table 9.35.030-A "Permitted Uses" of Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow the Assembly of Products as an ancillary use to any permitted or conditionally permitted use, as long as it is conducted within an enclosed building. This ancillary use would be allowed in all commercial zones Town-wide.

Chairman Lamoreaux opened the public hearing at 6:30 p.m.

Pam Cupp, Senior Planner presented the staff the report as filed with the Planning Division.

Chairman Lamoreaux closed the Public hearing at 6:34pm.

Thomas Rice, Town Attorney recommend amending Page 3-5 Section 4 to read as follows:

Section 4. by adding Section 2 to read as follows:

MOTION

1. Motion by Commissioner Tinsley seconded, Vice-Chairman Kallen that the Planning Commission move to approve Planning Commission Resolution No. 2019-011 as amended.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

- 4. Development Code Amendment No. 2019-007.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley

Municipal Code by modifying the entitlement process related to on-site sales of beer and wine only and adding provisions relating to artisan beverage makers that may include microbrews, craft distilleries and coffee roasters. Also recommended is a modification to allow food service establishments within the Public Facilities (P-Z) zoning designation.

Ms. Pam Cupp, Senior Planner, is requesting a continuance to the meeting of August 21, 2019.

MOTION

Motion by Commissioner Tinsley, seconded Commissioner Harrison that the Development code Amendment No. 2019-007 be moved to the August 21, 2019 meeting.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Commissioner Tinsley

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

5. **Development Code Amendment No. 2019-008.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units located on corner lots. Also, under consideration are modifications to the existing definition of front lot line.

Chairman Lamoreaux opened the public hearing at 6:32 p.m.

Ms. Pam Cupp, Senior Planner, presented the staff report as filed with the Planning Division with a few corrections:

Correction to page 5-6 under Noticing should read July 26, 2019 and not August 2, 2019.

And under Recommendation, should read Approve Planning Commission Resolution No. 2019-008.

and to also revise the beginning of the report to read:

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-008 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 "SPECIFIC USE REGULATIONS" AS IT PERTAINS TO **DETACHED ACCESSORY DWELLING UNITS ON CORNER LOTS** AND CHAPTER 9.08 "DEFINITIONS" AS IT RELATES TO FRONT LOT LINE.

Commissioner Harrison asked if this change would be in support to allow better flexibility for housing on residential lots. Ms. Cupp responded yes.

Vice-Chairman Kallen asked if there was language discussing setbacks and asked about locations of driveways. Ms. Cupp stated there is no setback for flatwork and not all ADU's require garages.

Chairman Lamoreaux opened public comment 6:38p.m.

Jeff Chapdelaine, Apple Valley resident wanted to thank the Commission for having this item on the agenda for amendment.

Close public hearing at 6:44p.m.

Vice-Chairman Kallen asked to add flexibility for staff approvals.

Ms. Cupp made a recommendation to add verbiage to the Resolution.

Chairman Lamoreaux said he's seen ADUs on tract home that are on smaller lots and would like for staff to consider ADU's in the front of the lot.

Vice-Chairman Kallen asked if we could allow some flexibility in corner ADU.

Ms. Cupp asked the Commission if they only wanted to see ADU's in front of the main house on corner lots or also allow the same for an interior lot.

Chairman Lamoreaux would like for applicants to have the opportunity if it's on corner lots or infill.

Commissioner Tinsley asked if all ADUs required a Deviation. Ms. Cupp responded, No, they are permitted by right through the building permit process.

Vice-Chairman Kallen asked if this process could be handled as the extended height for RV storage projects. Ms. Miller said it would be an option and would require a Minor Development Permit.

Chairman Lamoreaux asked about the denying of an application.

Mr. Rice said the applicant can appeal the decision of the Planning Director, then project would come to the Commission for review.

Commissioner Harrison said it would like to see the standards written out for staff to have when processing applications.

Mr. Rice said the item before the commission tonight was to only address corner lots ADUs but something could be drafted that allows staff discretion on assessing ADUs in the front on corner lots only.

Chairman Lamoreaux asked for a short recess at 6:59p.m to allow staff and Town Attorney to draft language for consideration.

Chairman Lamoreaux called the meeting back in session at 7:02p.m.

Mr. Rice made the recommendation to modify section 3 item B to read:

- b. On corner lots, the minimum front or street side yard setback of the accessory dwelling unit shall be at least ten (10) feet greater than the primary dwelling or have its access from the street opposite that of the primary dwelling. Notwithstanding the foregoing, an accessory dwelling unit may be located in front of the primary dwelling when architecturally consistent with the primary dwelling.

Vice-Chairman Kallen asked if additional language would need to be included regarding setbacks.

Mr. Rice said this does not alter the setbacks requirements.

MOTION

Motion by Commissioner Tinsley, seconded, Vice-Chairman Kallen that the Planning Commission move to approve Planning Commission Resolution No. 2019-008 including the amended language.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison
Commissioner Arias

Noes: None
Abstain: None
Absent: None

The motion carried by a 5-0-0-0 vote

OTHER BUSINESS

- 6. **General Plan Conformity Finding for a Right-of-Way Vacation VAC No. 2019-001.** To consider a General Plan Conformity Finding, pursuant to Government Code Section 65402(a), for the vacation of sixteen (16) feet of the forty-five (45)-foot South Outer Highway 18 for approximately 200 linear feet.

Applicant, Ash Pathi

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division.

Commissioner Harrison asked if making this change would be consistent with the further development of the Outer Highway.

Richard Pederson, Deputy Engineer said Outer Highway would remain. Mr. Pederson said it was a good idea to remove Kasota only to Tuscola because it was so close to the State Route, all the business would still have highway frontage just not have Kasota access from the State Route.

MOTION

Motion by Vice-Chairman Kallen, seconded Commissioner Arias that the Planning Commission move to approve Planning Commission Resolution No. 2019-009,

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

PLANNING COMMISSION COMMENTS

Commissioner Harrison asked if there were any current applicant that would benefit from the amendment on item 2 of the agenda. Ms. Miller said no current applicants were currently waiting.

Vice-Chairman Kallen was happy to see the items moving along.

STAFF COMMENTS

None

ADJOURNMENT

Motion by Commissioner Tinsley, Second by Commissioner Arias, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:09 p.m. to its next regularly scheduled meeting on August 21, 2019.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman, Jason Lamoreaux

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

August 21, 2019

CALL TO ORDER

Chairman Lamoreaux called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

Present: Commissioner Arias, Commissioner Tinsley, Vice-Chairman Kallen, Chairman Lamoreaux
Absent: Commissioner Harrison

Staff Present

Pam Cupp, Senior Planner, Thomas Rice, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Kallen.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of June 19, 2019.

Motion by Commissioner Tinsley, and second by Vice-Chairman Kallen to approve the minutes of June 19, 2019.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Arias

Noes: None

Abstain: None

Absent: Commissioner Harrison

The motion carried by a 4-0-0-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

2. **Development Code Amendment No. 2019-007. Continued from August 7, 2019 meeting.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying the entitlement process related to on-site sales of beer and wine only and adding provisions relating to artisan beverage makers that may include microbrews, craft distilleries and coffee roasters. Also recommended is a modification to allow food service establishments within the Public Facilities (P-F) zoning designation.

Ms. Pam Cupp, Senior Planner, presented the staff report as filed with the Planning Division.

Chairman Lamoreaux opened the Public Hearing at 6:07p.m.

Chairman Lamoreaux closed the Public Hearing at 6:10p.m.

Vice-Chairman Kallen asked if staff looked around to other jurisdictions. Ms. Cupp said she look at different cities such as Victorville, Hesperia, Riverside and Lancaster and gave a brief description of other jurisdictional regulations.

Vice-Chairman Kallen asked who monitors any issues with sales. Ms. Cupp said ABC would monitor sales and any nuisance issues would be the Police Department and Code Enforcement.

Commissioner Tinsley asked how this affects existing businesses. Ms. Cupp said this will bring existing businesses in compliance and will not affect them unless they expand or apply for another license with ABC.

MOTION

Motion by Commissioner Arias, seconded Commissioner Tinsley to approve Planning Commission Resolution No. 2019-007.

ROLL CALL VOTE

Yes:	Chairman Lamoreaux Vice-Chairman Kallen Commissioner Arias Commissioner Tinsley
Noes:	None
Abstain:	None
Absent:	Commissioner Harrison

The motion carried by a 4-0-0-1 vote

OTHER BUSINESS

3. Pam Cupp, Senior Planner, presented the annual review of Development Permit projects that have been administratively approved. This report is available for public review at

the Planning Division located at 14955 Dale Evans Parkway, Apple Valley, CA. No action is required – to receive and file only.

PLANNING COMMISSION COMMENTS

Commissioner Arias asked when Multi-Family, single family would be amended. Commissioner Arias felt these items needed to be addressed to help with development. Ms. Cupp said Multi Family would be going back to Council for discussion at its August 27th meeting.

STAFF COMMENTS

None

ADJOURNMENT

Motion by Commissioner Tinsley, Second by Vice-Chairman Kallen, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:17p.m. to its next regularly scheduled meeting on September 4, 2019.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman, Jason Lamoreaux



Planning Commission Agenda Report

DATE:	September 4, 2019	Item No. 2
CASE NUMBER:	Development Code Amendment No. 2019-010	
APPLICANT:	Town of Apple Valley	
PROPOSAL:	An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that, through the Deviation Permit process, would allow a reduction to setbacks, landscaping and standard parking spaces and allow an increase in building height from the standards found in Chapter 9.35 "Commercial and Office Districts".	
LOCATION:	Commercial Districts Town-wide	
ENVIRONMENTAL DETERMINATION:	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.	
PREPARED BY:	Ms. Pam Cupp, Senior Planner	
RECOMMENDATION:	Adopt Planning Commission Resolution No. 2019-012.	

BACKGROUND

At the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to add provisions to the Development Code that would offer additional flexibility to the commercial development standards. Based upon Town Council direction, staff is suggesting expanding the minor exceptions to development standards that could be permitted with the Community Development Director's approval of a Deviation Permit.

ANALYSIS

In 2015 the Development Code was modified to allow a builder with a project proposed on a substandard lot the ability to request a reduction to landscape planter width, overall landscape area and a ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks with the Director's approval of a Deviation Permit. Staff is recommending the Development Code be amended by furthering the number of development standards that could be reduced through the Deviation Permit process.

Unlike the six (6) Findings required to grant a Variance, a Deviation Permit requires one (1) Finding which is: "Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located." A notice of pending land use decision is sent to all property owners within a specified radius, which would be between 300 and 1,300 feet, depending upon the property size. Any decision of the Director can be appealed to the Planning Commission for its consideration.

Staff is offering for the Commission's consideration a modification to Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" as follows:

9.25.030 - Standards

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

A. **In Commercial Districts:**

- a. A maximum twenty (20) percent reduction in lot area or lot dimensions.
- b. **A maximum twenty-five (25) percent increase to building height.**

This could result with a height increase ranging from 6.25 feet up to a maximum of 12 feet with Director approval.

- c. **A maximum fifty (50) percent reduction to the front yard setback, street side yard setback or setback to a dedicated alley.**

The minimum front yard setbacks ranging could realize a reduction of 5 feet to 37.5 feet depending on the location. The minimum required street side yard and alley setbacks could be reduced by 5 feet to 12.5 feet depending on the location.

- d. **A reduction to the minimum landscape area from ten (10) percent to no less than five (5) percent as needed to achieve required parking and accessibility requirements.**

This will not affect the requirement for landscaping in all areas not utilized for building development, parking, sidewalks, etc.

- e. **An increase of twenty-five (25) percent to the number of permitted compact parking spaces.**

This would allow for any project to increase its ratio of compact spaces, which currently is 15% when there are at least 20 parking spaces.

- f. **A reduction in required parking for accessory uses.**

To establish a process for adjustments to parking requirements as permitted in Development Code Section 9.72.030.C.

B. In the Commercial and Industrial Districts:

- a. A porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
 - b. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks for Commercial and Industrial Districts.
- C. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- D. A maximum twenty (20) percent increase in the height of fences.
- E. For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
- 1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060.B.8.a and b)
 - 2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040.A.14)
 - 3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
- F. For an unenclosed addition to a primary residential structure, a maximum ten (10)-foot encroachment into the front yard or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.
- G. For new construction, or additions to existing multi-family or commercial structures, an encroachment into the front or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to 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 information forwarded to the Council for consideration.

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

Comment: The General Plan is the blueprint for the community’s future growth. Specific Goals and Objectives are provided within each of the adopted General Plan’s State-mandated Elements. The Commercial and Industrial Land Use Goals, Policies and Programs promotes commercial developments that strengthen the local economy and enhance the quality of life. Providing a mechanism to offer flexibility in site development standards will further the goals of the General Plan.

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

Comment: The minor exceptions proposed through the Deviation Process would require a Finding that the proposal will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located. A negative Finding would require denial of the proposal; therefore, as proposed, Development Code Amendment No. 2019-010 will not be detrimental to the public health, safety or welfare of the Town or its residents.

NOTICING

Development Code Amendment No. 2019-010 was advertised as a public hearing in the Apple Valley News newspaper on August 23, 2019.

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.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2019-012 forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report.

Attachment:

Draft Planning Commission Resolution No. 2019-012

PLANNING COMMISSION RESOLUTION NO. 2019-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-010 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.25 “DEVIATION PERMITS” TO ALLOW DEVELOPERS OF ANY COMMERCIAL PROJECT TO REQUEST A MINOR REDUCTION TO SETBACKS AND LANDSCAPING AND AN INCREASE IN BUILDING HEIGHT AND NUMBER OF COMPACT PARKING SPACES AND PARKING SPACES REQUIRED FOR ACCESSORY USES THROUGH THE DEVIATION PERMIT PROCESS.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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, Development Code Amendment No. 2019-010 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to draft language that would add provisions to the Development Code that would offer additional flexibility to the commercial development standards;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by amending Chapter 9.25 “Deviation Permits” to allow developers of any commercial project to request a minor reduction to setbacks and landscaping and an increase in building height and number of compact parking spaces through the deviation permit process; and,

WHEREAS, on August 23, 2019, Development Code Amendment No. 2019-010 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on September 4, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-010 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-010 is consistent with the Land Use Element goals and policies of 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, 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. Find that the changes proposed by Development Code Amendment No. 2019-010 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend Section 9.25.030 "Standards" of Chapter 9.25 "Deviation Permits" as follows:

"9.25.030 - Standards

The Director may grant a Deviation Permit for only the following minor exceptions to the Development Code:

A. In Commercial Districts:

1. A maximum twenty-five (25) percent increase to building height.
2. A maximum fifty (50) percent reduction to the front yard setback, street side yard setback or setback to a dedicated alley.
3. A reduction to the required landscaped area as required for accessibility improvements or other factors as determined by the Director.

4. An increase of twenty-five (25) percent to the number of permitted compact parking spaces.
- B. In the Commercial and Industrial Districts:
1. A porte cochere open on three sides may encroach up to fifty (50) percent, but not less than twenty-five (25) feet from the front property line.
 2. A maximum twenty (20) percent reduction in lot area, lot dimensions or setbacks.
- C. A maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks in Residential Districts.
- D. A maximum twenty (20) percent increase in the height of fences.
- E. For substandard vacant and developed commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed:
1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than a minimum of two (2) feet in width. (Section 9.72.060)
 2. Reduction in the minimum landscape area of the site from ten (10) percent to no less than five (5) percent. (Section 9.35.040)
 3. Maximum ten (10) percent reduction for interior side setbacks and a twenty (20) percent reduction for rear setbacks.
- F. For an unenclosed addition to a primary residential structure, a maximum ten (10)-foot encroachment into the front yard or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.
- G. For new construction, or additions to existing multi-family or commercial structures, an encroachment into the front or street side yard setback as indicated by the Ranchos Residential Overlay District, or as delineated on a Final Map, not to exceed the required setback determined by the zoning district.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 4th day of September 2019.

Vice Chairman Jason Lamoreaux

ATTEST:

I, Maribel Hernandez, 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 4th day of September 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary



Planning Commission Agenda Report

DATE: September 4, 2019 Item No. 3

CASE NUMBER: Development Code Amendment No. 2019-009

APPLICANT: Town of Apple Valley

PROPOSAL: The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Table 9.35.030-A of Chapter 9.35 "Commercial and Office Districts" and Table 9.45.030-A "Permitted Uses" of Chapter 9.45 "Industrial Districts" as needed to address current trends and remove outdated language. The Commission shall also consider replacing the Conditional Use Permit process with a Special Use Permit process for uses that have limited impacts upon the surrounding property owners.

LOCATION: Commercial Districts Town-wide

ENVIRONMENTAL DETERMINATION: 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.

PREPARED BY: Ms. Pam Cupp, Senior Planner

RECOMMENDATION: Adopt Planning Commission Resolution No. 2019-013.

BACKGROUND

At the May 1, 2019 joint meeting of the Town Council and Planning Commission. Staff was directed by the Council to work with the Planning Commission to expand existing use tables to consider current trends and remove outdated language. It was further directed

to review for potential modification the review authority for projects with limited impacts to the surrounding properties.

ANALYSIS

The Development Code permitted use tables received minor modifications in 2010; however, the tables substantially resemble what was adopted in 2000. The changes proposed to the Permitted Use Tables will add uses based upon current trends in commercial activity alleviating the need for a like and similar determination by the Director. As tasked by the Town Council, staff has added several new uses to the tables and modified the review authority and process for several other uses.

Staff is recommending that places of assembly be allowed as a temporary use within Commercial zones. Temporary Use Permits is valid for one (1) year; however, the applicant can request up to three (3) one (1) year time extensions for a maximum life of four (4) years. Staff would have the ability review each application on a case-by-case basis to ensure the hours of operation and parking do not create an impact upon existing businesses within the general vicinity.

There are four uses that currently require a Conditional Use Permit approved by the Planning Commission that staff is recommending be modified to a Special Use Permit requiring the approval of the Community Development Director. These uses include the following:

1. Office use within a shopping center occupying over ten (10) percent of the floor area;
2. Minor auto repairs consisting of smog check, tune-ups, tires, brakes, batteries, mufflers and the like;
3. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons; and,
4. Child or senior daycare within the industrial zone.

The Special Use Permit requires surrounding property owner notification with the provision if two (2) or ten (10) percent of those noticed are in opposition to the proposal, the project would be referred to the Planning Commission for its consideration.

In addition to the above-mentioned changes, duplicative language has been removed and additional sub-categories have been added to simplify the use of the tables helping to create a more user-friendly document. Notwithstanding the table numbering, which has been modified within the attached Planning Commission Resolution No. 2019-013, staff is offering for the Commission's consideration the following modifications to Table 9.35.030-A "Permitted Uses" of Chapter 9.35 "Commercial and Office Districts":

Table 9.35.030-A Permitted Uses
(See Chapter 9.36 for applicable Specific Use Standards)

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
A. Residential Uses						
1. Caretakers residence	SUP	SUP	SUP	SUP	SUP	SUP
2. Congregate care facilities (Senior Housing)						
— Up to 19 persons	CUP	CUP	CUP	CUP	CUP	CUP
— 20 or more persons	CUP	CUP	CUP	CUP	CUP	CUP
3. Emergency shelters/transitional housing ⁽²⁾	-	-	SUP	-	SUP	-
4. Multi-family housing	-	-	-	-	-	P
5. Small family day care homes (8 or fewer children)	-	-	-	-	-	P
6. Large family day care homes (9 to 14 children)	-	-	-	-	-	-
7. Child day care centers, facilities (15 or more)	SUP	SUP	SUP	SUP	SUP	SUP
B. Office and Related Uses						
1. Administration and professional office	P	P	P	P	P	P
2. Administration and professional office within a shopping center:						
a. More than ten (10) percent of the overall gfa of the ground floor of the shopping center	-	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>
b. Located on the second floor of the shopping center	-	P	P	P	P	P
Alcoholic Beverage Sales and/or Production (Applicable ABC License Types)						
Liquor stores, no on-site consumption (20,21)	-	P	P	P	P	CUP
Convenience stores, no on-site consumption (20,21)	SUP	P	P	P	P	CUP
Grocery Stores, no on-site consumption (20,21,86)	-	P	P	P	P	P
1. Retail sales with on-site consumption beer and wine only (40,42,86) (25% or more of floor area dedicated to off-sale retail)	-	SUP	SUP	SUP	SUP	SUP
Commercial Recreational Facilities (41,47)	-	P	P	P	P	P
Restaurants, on-site consumption (41,47)	SUP	P	P	P	P	P
Taverns, bars, on-site consumption beer or wine only (40,42)	-	SUP	SUP	SUP	SUP	SUP
Tavern, Bar, Nightclub on-site consumption (48)	-	CUP	CUP	CUP	CUP	CUP
Small Beer Manufacturer (23,77)	-	-	SUP	-	-	-
Micro-brewery/Brewpub including food or beverage service (23,75,77)		SUP	SUP	-	SUP	-
Craft Distillery (6,74)	-	-	CUP	-	-	-
Craft Distillery with Restaurant (6,20,74)	-	CUP	CUP	-	CUP	-
Large Beer Manufacturer (1)			P			
Assembly Uses						
2. Convention and Event Centers	-	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
3. Private and public clubs and lodges, including YMCA, YWCA and similar youth groups	CUP	-	-	-	-	CUP
4. Recreational Assembly (Theaters, auditoriums)	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
5. Religious institutions (4) — Under five (5) acres — Five (5) or more acres	CUP	-	-	-	-	<u>CUP</u>
<u>Places of assembly as a temporary use</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>	<u>TUP</u>
6. Places of assembly as an ancillary use (<i>subject to Chapter 9.36 of this Code</i>)	SUP	SUP	SUP	SUP	SUP	SUP

C. Commercial Uses

1. Commercial retail uses such as clothing, food, gifts, studios, services and other similar uses.	-	P	P	P	P	P
2. Adult businesses	-	CUP	-	-	-	-
4. Animal care facility, including animal hospital veterinarian, commercial kennel, grooming						
a. Excluding exterior kennel, pens or runs	-	P	P	-	P	P
b. Including exterior kennel, pens or runs	-	CUP	CUP	CUP	CUP	-
<u>Auction House - Indoor</u>	-	P	P	-	P	-
<u>Billboards (See Section 9.74.187)</u>	-	-	-	<u>CUP</u>	-	-
7. Carpenter or cabinet shop	-	-	P	-	P	CUP
8. Catering establishments	-	P	P	P	P	P
<u>Commissary for caterers, mobile food facilities and the like</u>	-	-	<u>SUP</u>	-	<u>SUP</u>	-
12. Communications and cable television facilities.	CUP	CUP	CUP	-	CUP	CUP
13. Concessionaire, small kiosks not located in a parking lot.	-	P	-	P	P	P
14. Convenience stores	SUP	P	P	P	P	P
15. Drive-thru/drive up	SUP	SUP	SUP	SUP	SUP	SUP
<u>Farmers Market – Open Air</u>	-	<u>CUP</u>	<u>CUP</u>	-	<u>CUP</u>	<u>CUP</u>
16. Feed and tack, including the incidental exterior storage of hay, packaged feed and related bulk feed products on site ⁽³⁾	-	P	P	P	P	SUP
17. Hookah Bar/Lounge ⁽¹⁴⁾	-	SUP	SUP	SUP	SUP	SUP
18. Hotels and motels	-	P	P	P	P	P
20. Kiosks for key shops, film drops in parking lots	SUP	SUP	SUP	SUP	SUP	SUP
21. Nurseries	-	P	P	P	P	P
22. Parking lots/structures	P	P	P	P	P	P
23. Pawn shops	-	P	P	-	P	-
24. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Recycling Collection Point less than 500 sq ft	-	P	P	P	P	P
c. Recycling Collection Point over 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
d. Recycling Center	-	-	CUP	-	-	-
34. Registered vehicle sales/rental including boats, trailers and Campers	-	CUP	CUP	CUP	CUP	CUP
<u>Registered vehicle sales, no outdoor display</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
25. Restaurants (not drive thru or drive in)	P	P	P	P	P	P
<u>b. Including Outdoor Seating</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>c. Including Outdoor cooking</u>	-	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	-
<u>Including Drive-Through Drive In</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
28. Storage yard/facilities, including, not limited to, boats, RV's, trucks, mini storage and equipment/supplies	-	CUP	CUP	-	CUP	CUP
29. Studios, such as photo, art, music, dance, gymnastics, martial arts etc.	P	P	P	P	P	P
Television/Radio broadcasting studio			P		P	
30. Swap Meets Indoor – Outdoor -	- -	P CUP	P CUP	- -	P CUP	P -
31. Thrift or secondhand stores	-	P	P	-	P	P
32. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP	SUP
33. Trucking facilities such as:						
a. Truck terminals	-	-	CUP	CUP	-	-
b. Truck yards	-	-	CUP	-	-	-
c. Truck repair	-	-	CUP	-	-	-
35. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP	SUP
36. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP	SUP
Street Vendors (Subject to Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code)	P	P	P	P	P	P

Recreational Uses 11. Commercial Recreation facilities including:

1. Health clubs/ Fitness Centers	SUP	P	P	P	P	P
2. Indoor uses such as bowling, billiards, or skating rinks, theaters	-	P	P	P	P	P
3. Outdoor uses such as golf, tennis, basketball, baseball, family amusement centers,	-	CUP	CUP	CUP	CUP	CUP
5. Arcades	-	SUP	SUP	SUP	SUP	SUP
19. Internet Cafe	-	SUP	SUP	SUP	SUP	SUP

Services

6. Automotive services, including motorcycles, boats, motorhomes, trailers, and campers						
a. Gasoline stations and/or Carwash	-	SUP	SUP	SUP	SUP	SUP
b. Major repairs, including engine work, painting, body work, and upholstery	-	-	CUP	-	CUP	-
c. Minor repairs including such as smog check, tune-ups, tires, brakes, batteries, mufflers	-	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>
d. Vehicle charging Stations	-	P	P	P	P	P
26. Services, such as barber/beauty, repair, laundry	-	P	P	P	P	P
6. Banks/financial institution	P	P	P	P	P	P
Check Cashing Service	P	P	P	P	P	P
10. Day care center Child or Senior	SUP	SUP	SUP	SUP	SUP	SUP
Day Spas	P	P	P	P	P	P
Dry Cleaners	P	P	P	P	P	P
Hair/Nail Salons/Barber Shops	P	P	P	P	P	P
Laundromat	P	P	P	P	P	P
Medical/Health Related Services						
3. Medical/Dental Offices	P	P	P	P	P	P
4. Acupuncture/Acupressure, Chiropractic	P	P	P	P	P	P

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
<u>Aromatherapy (CAMTC Certification Required)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>5. Massage, Therapeutic (CAMTC Certification Required)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
9. Mortuary	-	CUP	CUP	-	CUP	CUP
a. Cremation service	-	CUP	CUP	-	CUP	-
<u>Repair of appliances, computers, TVs, and the like.</u>	-	<u>P</u>	<u>P</u>	-	<u>P</u>	-
27. Spiritualist readings or astrological forecasting	-	P	P	-	P	P

D. Public and Semi-Public Uses

3. Educational institutions						
a. Private Schools	SUP	SUP	SUP	SUP	SUP	SUP
b. Vocational and business trade schools	P	P	P	P	P	P
c. Vocational school industrial/shop related	-	-	SUP	-	-	-
6. Government Facilities	CUP	P	CUP	CUP	CUP	CUP
1. Hospitals and Convalescent facilities	SUP	SUP	SUP	SUP	SUP	SUP
<u>a. Hospitals and Convalescent facilities Over 20 acres which may include a helipad</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>
4. Libraries and museums, public or private	P	P	P	P	P	P
7. Public utility installations, including offices	CUP	CUP	CUP	CUP	CUP	CUP

E. Accessory Uses

1. Antennas (<i>Telecommunications facilities shall be subject to Chapter 9.77 of this Code.</i>)						
a. Commercial Antennas	CUP	CUP	CUP	CUP	CUP	CUP
b. Non-Commercial Antennas under 35' in height	P	P	P	P	P	P
c. Non-Commercial Antennas over 35' in height	SUP	SUP	SUP	SUP	SUP	SUP
d. Ham radio	P	P	P	P	P	P
2. Water Storage tanks less than 5,000 gallons	P	P	P	P	P	P
more than 5,000 gallons	SUP	SUP	SUP	SUP	SUP	-
3. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P	P	P	P	P
4. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>	<u>SUP</u> <u>CUP</u>
5. Overnight commercial vehicle parking for vehicles not related to the on-site use and which does not reduce available parking spaces during business hours	-	-	SUP	-	-	-
<u>Helipads</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>

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>						
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	-	-	-
2. Assembly of Products, as an ancillary use to any approved commercial use described above in Table 9.35.030.A, that is conducted within a completely enclosed building.	P	P	P	P	P	P
3. Artisan Beverage Makers						
a. Non-alcoholic - production only	-	-	P	-	-	-
b. Non-alcoholic with food or beverage service	-	P	P	-	P	P
c. Small Beer Manufacturer	-	-	SUP	-	-	-
d. Micro-brewery/Brewpub including food or beverage service	-	SUP	SUP	-	SUP	-
e. Craft Distillery	-	-	CUP	-	-	-
f. . Craft Distillery with Restaurant	-	CUP	CUP	-	CUP	-
<u>Upholstery conducted within a completely enclosed building</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or the outdoor use is specifically approved through a Conditional Use Permit or Special Use Permit.
 CUP: Conditional Use Permit
 P: Permitted Uses
 SUP: Special Use Permit
 “-“ Denotes uses are prohibited
- (2) Fees Waived
- (3) The incidental exterior storage of hay, packaged feed and related bulk feed products when associated with a Feed and Tack business is permitted and may be located anywhere on site to the rear of the leading edge of the building on said site or behind the required street side-yard setback area. Said stored hay, packaged feed and related bulk feed products need not be screened from view and may be stacked to a height not to exceed ten (10) feet.
- (4) Regulations for Churches and Places of Assembly in Subsection 9.29.050 shall apply.
- (6) Only includes existing vacant buildings greater than 40,000 square feet in floor area and would be subject to the TUP regulations identified
- (14) A Belly Dancer entertainer is permitted to perform on a 100 square-foot dance area.

Notwithstanding the table numbering, which has been modified within the attached Planning Commission Resolution No. 2019-013, staff is offering for the Commission’s consideration the following modifications to Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts”:

Table 9.45.030-A Permitted Uses
 (See Chapter 9.46 for Specific Use Regulations)

TYPE OF USE ⁽¹⁾	I-P	I-RE ⁽³⁾
A. Residential Uses		
1. Caretakers residence	SUP	SUP
2. Emergency shelters ⁽⁴⁾	P	-
3. Transitional housing ⁽⁴⁾	P	-
4. Supportive Housing ⁽⁴⁾	P	-
5. Single Room occupancy facilities ⁽⁴⁾	CUP	-
B. Agricultural Uses		
1. Animal grazing or raising, commercial or noncommercial, on vacant property, minimum of two and one-half (2½) acres lot size	-	P
2. Farm animal projects, accessory to a nonconforming residence	P	P
3. Farms or ranches for orchards, tree crops, field crops, truck or flower gardening, growing of nursery plants and the sale of agricultural products	-	P
C. Manufacturing and Production Uses		
1. Assembly, manufacturing, compounding, or treatment of articles or merchandise from previously prepared materials such as, but not limited to canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, metals, paper (no milling), precious or semi-precious stones, plaster, plastics, rubber, synthetics, shells, textiles, tobacco, wood, and yarns; novelty items (not including fireworks or other explosive type items), electrical appliances and motors, electronic items, precision instruments, medical and dental instruments, timing and measuring instruments, audio machinery; visual machinery; food, cosmetics, drugs, perfumes, toiletries, soap (not including refining or rendering of fats or oils) and research and testing.	P	-
Bakery Plants	P	-
Beverage Production	P	-
2. Bottling plants	P	-
3. Cement and asphalt manufacturing and products	-	CUP
4. Fruit and vegetable packing houses	-	-
Ice Dealer	P	-
5. Laboratories, including chemical, dental, electrical, optical, mechanical and medical	P	-
6. Mining	-	SM
7. Outdoor manufacturing	-	CUP
8. Production of entertainment/educational media	P	-
Upholstery conducted within a completely enclosed building	P	-
D. Storage and Wholesale Trades		

TYPE OF USE⁽¹⁾	I-P	I-RE⁽³⁾
1. Vehicle fleet storage, impound lot	-	-
2. Commercial antennas and telecommunication facilities.	CUP	CUP
Non-commercial antennas 35 feet or less	P	-
Non-commercial antennas over 35 feet	SUP	-
3. Equipment storage, sales, rentals	P	P
4. Storage yards/facilities	P	P
5. General warehousing and distribution	P	-
6. Trailer, truck or bus terminal	-	-
<i>E. Services</i>		
1. Administrative, professional and general offices	P	-
2. Animal care facilities	SUP	-
3. Automotive services including motorcycles, boats, motorhomes, trailers and campers:		
a. Gasoline Stations and/or Carwash	SUP	-
b. Major repairs, including engine work, painting, body work and upholstery.	CUP	-
c. Minor repairs including such as smog check, tune-ups, tires brakes, batteries and mufflers.	SUP	-
4. Services such as barber, beauty, repair, copying	P	-
5. Cleaning and dyeing plant	-	-
6. Administrative and professional offices	P	-
7. Distributors, showrooms	P	-
8. General printing and lithography	P	-
9. Recycling facilities for reusable domestic materials:		
a. Reverse vending machines	P	P
b. Recycling Collection Points less than 500 sq ft	P	-
c. Recycling Collection Points greater than 500 sq ft	SUP	-
d. Recycling Centers	-	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	-	-
10. Transportation facilities, train, bus and taxi depots or terminals	CUP	-
11. Trucking Facilities	CUP	-
<i>F. Commercial Uses</i>		
1. Retail commercial, when incidental to a permitted or conditional use and when goods offered for sale are manufactured, produced or assembled on the premises, not occupying more than twenty-five (25) percent of the gross floor area. Sale of accessory merchandise is also permitted.	P	-
<u>Commissary for caterers, mobile food facilities and the like</u>	<u>SUP</u>	<u>:</u>
2. Convenience stores, with or without gasoline sales	SUP	-
3. Home improvement centers:		
a. Material stored and sold within enclosed buildings	P	-
b. Outdoor storage of material such as lumber and other building material	<u>SUP</u>	CUP
4. Hotels, motels and convention centers	CUP	-
5. Nurseries and garden supply stores, including outdoor display of plants	P	CUP

TYPE OF USE ⁽¹⁾	I-P	I-RE ⁽³⁾
6. Restaurants		
a. Not drive-in or drive through	P	-
b. Drive through	SUP	-
7. Swimming pool supplies	P	-
8. Vehicle sales and rental, including boats, trailers, campers, farm/construction equipment	SUP	-
G. Public and Semi-Public Uses		
1. Child or Senior day care center	SUP CUP	-
2. Government Facilities	CUP	-
3. Places of Assembly	-	-
H. Accessory Uses		
1. Water Storage tanks less than 5,000 gallons	P	P
more than 5,000 gallons	SUP	SUP
2. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P
3. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons	SUP CUP	SUP CUP
4. Overnight commercial vehicle parking for vehicles not related to the on-site use which does not reduce available parking spaces during business hours	-	P
Helipads	CUP	CUP

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or is specifically approved through a Conditional Use Permit or Special Use Permit.
- (2) CUP: Conditional Use Permit
P: Permitted uses
SUP: Special Use Permit
SM: Surface mining permit, requires Town Council review
"-": denotes uses are prohibited
- (3) Industrial activities other than mining or mineral extraction are permitted only after the site has been mined and the land reclaimed. Vacant land not previously used for mining may be used on an interim basis with approval of a Conditional Use Permit provided that such use does not preclude, in any way, future mining or mineral extraction operations.
- (4) Fees waived.

FINDINGS

An amendment to the Development Code requires that the Planning Commission address two (2) required “Findings”, as listed within Development Code Section 9.06.060. For Commission consideration, the required Findings are listed below, along with a comment addressing each. If the Commission concurs with these comments, they may be adopted and forwarded to the Council for its consideration of the Development Code Amendment. If the Commission wishes modifications to 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 information forwarded to the Council for consideration.

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

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State-mandated Elements. The Commercial and Industrial Land Use Goals, Policies and Programs promotes commercial developments that strengthen the local economy and enhance the quality of life. The modifications proposed to the Permitted Use Tables will further this goal by incorporating current uses, simplifying the readability and modifying some entitlement processes to promote commercial uses within the Town of Apple Valley.

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

Comment: The changes proposed to the Permitted Use Table to add uses based upon current trends in commercial activity alleviating the need for a like and similar determination by the Director. Modifying the entitlement process will not reduce any standards and will not be detrimental to the public health, safety or welfare of the Town or its residents.

NOTICING

Development Code Amendment No. 2019-009 was advertised as a public hearing in the Apple Valley News newspaper on August 23, 2019.

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.

RECOMMENDATION

Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2019-013 forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Attachment:

Draft Planning Commission Resolution No. 2019-013

PLANNING COMMISSION RESOLUTION NO. 2019-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-010 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY UPDATING TABLE 9.35.030-A OF CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” AND TABLE 9.45.030-A “PERMITTED USES” OF CHAPTER 9.45 “INDUSTRIAL DISTRICTS” AS NEEDED TO ADDRESS CURRENT TRENDS AND REPLACING THE CONDITIONAL USE PERMIT PROCESS WITH A SPECIAL USE PERMIT PROCESS FOR USES THAT HAVE LIMITED IMPACTS UPON THE SURROUNDING PROPERTY OWNERS.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

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, Development Code Amendment No. 2019-009 is consistent with the General Plan and Municipal Code of the Town of Apple Valley;

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff work with the Planning Commission to expand existing use tables to consider current trends and remove outdated language. It was further directed to review for potential modification the review authority for projects with limited impacts to the surrounding properties.;

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by updating Table 9.35.030-A of Chapter 9.35 “Commercial and Office Districts” and Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as needed to address current trends and replacing the Conditional Use Permit process with a Special Use Permit process for uses that have limited impacts upon the surrounding property owners; and,

WHEREAS, on August 23, 2019, Development Code Amendment No. 2019-009 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, 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; and

WHEREAS, on September 4, 2019 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2019-009 receiving testimony from the public; and

WHEREAS, Development Code Amendment No. 2019-009 is consistent with the Land Use Element goals and policies of 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, 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. Find that the changes proposed by Development Code Amendment No. 2019-009 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. 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.

Section 3. Amend Table 9.35.030-A “Permitted Uses” of Chapter 9.35 “Commercial and Office Districts” as follows:

“Table 9.35.030-A Permitted Uses
(See Chapter 9.36 for applicable Specific Use Standards)

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
A. Residential Uses						
1. Caretakers residence	SUP	SUP	SUP	SUP	SUP	SUP
2. Congregate care facilities	CUP	CUP	CUP	CUP	CUP	CUP
3. Emergency shelters/transitional housing ⁽²⁾	-	-	SUP	-	SUP	-
4. Multi-family housing	-	-	-	-	-	P
5. Small family day care homes (8 or fewer children)	-	-	-	-	-	P
6. Large family day care homes (9 to 14 children)	-	-	-	-	-	-

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U

B. Office and Related Uses

1. Administration and professional office	P	P	P	P	P	P
2. Administration and professional office within a shopping center:						
a. More than ten (10) percent of the overall gfa of the ground floor of the shopping center	-	SUP	SUP	SUP	SUP	SUP
b. Located on the second floor of the shopping center	-	P	P	P	P	P

C. Alcoholic Beverage Sales and/or Production (Applicable ABC License Types)

1. Liquor stores, no on-site consumption (20,21)	-	P	P	P	P	CUP
2. Convenience stores, no on-site consumption (20,21)	SUP	P	P	P	P	CUP
3. Grocery Stores, no on-site consumption (20,21,86)	-	P	P	P	P	P
4. Retail sales with on-site consumption beer and wine only (40,42,86) (25% or more of floor area dedicated to off-sale retail)	-	SUP	SUP	SUP	SUP	SUP
5. Commercial Recreational Facilities (41,47)	-	P	P	P	P	P
6. Restaurants, on-site consumption (41,47)	SUP	P	P	P	P	P
7. Taverns, bars, on-site consumption beer or wine only (40,42)	-	SUP	SUP	SUP	SUP	SUP
8. Tavern, Bar, Nightclub on-site consumption (48)	-	CUP	CUP	CUP	CUP	CUP
9. Small Beer Manufacturer (23,77)	-	-	SUP	-	-	-
10. Micro-brewery/Brewpub including food or beverage service (23,75,77)		SUP	SUP	-	SUP	-
11. Craft Distillery (6,74)	-	-	CUP	-	-	-
12. Craft Distillery with Restaurant (6,20,74)	-	CUP	CUP	-	CUP	-
13. Large Beer Manufacturer (1)			P			

D. Assembly Uses

1. Convention and Event Centers	-	CUP	CUP	CUP	CUP	CUP
2. Private and public clubs and lodges, including YMCA, YWCA and similar youth groups	CUP	-	-	-	-	CUP
3. Recreational Assembly (Theaters, auditoriums)	-	P	P	P	P	P
4. Religious institutions (4)	CUP	-	-	-	-	CUP
5. Places of assembly as a temporary use	TUP	TUP	TUP	TUP	TUP	TUP
6. Places of assembly as an ancillary use (subject to Chapter 9.36 of this Code)	SUP	SUP	SUP	SUP	SUP	SUP

E. Commercial Uses

1. Commercial	-	P	P	P	P	P
2. Adult businesses	-	CUP	-	-	-	-
3. Animal care facility, including animal hospital veterinarian, commercial kennel, grooming						
a. Excluding exterior kennel, pens or runs	-	P	P	-	P	P
b. Including exterior kennel, pens or runs	-	CUP	CUP	CUP	CUP	-
4. Auction House - Indoor	-	P	P	-	P	-
5. Billboards (See Section 9.74.187)	-	-	-	CUP	-	-
6. Carpenter or cabinet shop	-	-	P	-	P	CUP
7. Catering establishments	-	P	P	P	P	P
8. Commissary for caterers, mobile food facilities and the like	-	-	SUP	-	SUP	-

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
9. Communications and cable television facilities.	CUP	CUP	CUP	-	CUP	CUP
10. Concessionaire, small kiosks not located in a parking lot.	-	P	-	P	P	P
11. Convenience stores	SUP	P	P	P	P	P
12. Drive-thru/drive up	SUP	SUP	SUP	SUP	SUP	SUP
13. Farmers Market – Open Air	-	CUP	CUP	-	CUP	CUP
14. Feed and tack, including the incidental exterior storage of hay, packaged feed and related bulk feed products on site ⁽³⁾	-	P	P	P	P	SUP
15. Hookah Bar/Lounge ⁽¹⁴⁾	-	SUP	SUP	SUP	SUP	SUP
16. Hotels and motels	-	P	P	P	P	P
17. Kiosks for key shops, film drops in parking lots	SUP	SUP	SUP	SUP	SUP	SUP
18. Nurseries	-	P	P	P	P	P
19. Parking lots/structures	P	P	P	P	P	P
20. Pawn shops	-	P	P	-	P	-
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Recycling Collection Point less than 500 sq ft	-	P	P	P	P	P
c. Recycling Collection Point over 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
d. Recycling Center	-	-	CUP	-	-	-
22. Registered vehicle sales/rental including boats, trailers and Campers	-	CUP	CUP	CUP	CUP	CUP
23. Registered vehicle sales, no outdoor display	-	P	P	P	P	-
24. Restaurants (not drive thru or drive in)	P	P	P	P	P	P
a. Including Outdoor Seating	P	P	P	P	P	P
b. Including Outdoor cooking	-	SUP	SUP	SUP	SUP	-
25. Including Drive-Through Drive In	SUP	SUP	SUP	SUP	SUP	SUP
26. Storage yard/facilities, including, not limited to, boats, RV's, trucks, mini storage and equipment/supplies	-	CUP	CUP	-	CUP	CUP
27. Studios, such as photo, art, music, dance, gymnastics, martial arts etc.	P	P	P	P	P	P
28. Television/Radio broadcasting studio			P		P	
29. Swap Meets						
Indoor –	-	P	P	-	P	P
Outdoor -	-	CUP	CUP	-	CUP	-
30. Thrift or secondhand stores	-	P	P	-	P	P
31. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP	SUP
32. Trucking facilities such as:						
a. Truck terminals	-	-	CUP	CUP	-	-
b. Truck yards	-	-	CUP	-	-	-
c. Truck repair	-	-	CUP	-	-	-
33. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP	SUP
34. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP	SUP
35. Street Vendors (Subject to Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code)	P	P	P	P	P	P

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U

F. Recreational Uses

1. Health clubs/Fitness Centers	SUP	P	P	P	P	P
2. Indoor uses such as bowling, billiards, or skating rinks	-	P	P	P	P	P
3. Outdoor uses such as golf, tennis, basketball, baseball, family amusement centers,	-	CUP	CUP	CUP	CUP	CUP
4. Arcades	-	SUP	SUP	SUP	SUP	SUP
5. Internet Cafe	-	SUP	SUP	SUP	SUP	SUP

G. Services

1. Automotive services, including motorcycles, boats, motorhomes, trailers, and campers						
a. Gasoline stations and/or Carwash	-	SUP	SUP	SUP	SUP	SUP
b. Major repairs, including engine work, painting, body work, and upholstery	-	-	CUP	-	CUP	-
c. Minor repairs including such as smog check, tune-ups, tires, brakes, batteries, mufflers	-	SUP	SUP	SUP	SUP	SUP
d. Vehicle charging Stations	-	P	P	P	P	P
2. Banks/financial institution	P	P	P	P	P	P
3. Check Cashing Service	P	P	P	P	P	P
4. Day care center Child or Senior	SUP	SUP	SUP	SUP	SUP	SUP
5. Day Spas	P	P	P	P	P	P
6. Dry Cleaners	P	P	P	P	P	P
7. Hair/Nail Salons/Barber Shops	P	P	P	P	P	P
8. Laundromat	P	P	P	P	P	P
9. Medical/Health Related Services						
10. Medical/Dental Offices	P	P	P	P	P	P
11. Acupuncture/Acupressure, Chiropractic	P	P	P	P	P	P
12. Aromatherapy (CAMTC Certification Required)	P	P	P	P	P	P
13. Massage, Therapeutic (CAMTC Certification Required)	P	P	P	P	P	P
14. Mortuary	-	CUP	CUP	-	CUP	CUP
15. Cremation service	-	CUP	CUP	-	CUP	-
16. Repair of appliances, computers, TVS, and the like.	-	P	P	-	P	-
17. Spiritualist readings or astrological forecasting	-	P	P	-	P	P

H. Public and Semi-Public Uses

1. Educational institutions						
a. Private Schools	SUP	SUP	SUP	SUP	SUP	SUP
b. Vocational and business trade schools	P	P	P	P	P	P
c. Vocational school industrial/shop related	-	-	SUP	-	-	-
2. Government Facilities	CUP	P	CUP	CUP	CUP	CUP
3. Hospitals and Convalescent facilities	SUP	SUP	SUP	SUP	SUP	SUP
4. Hospitals and Convalescent facilities Over 20 acres which may include a helipad	CUP	CUP	CUP	CUP	CUP	CUP
5. Libraries and museums, public or private	P	P	P	P	P	P
6. Public utility installations, including offices	CUP	CUP	CUP	CUP	CUP	CUP

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U

I. Accessory Uses

1. Antennas (Telecommunications facilities shall be subject to Chapter 9.77 of this Code.)						
a. Commercial Antennas	CUP	CUP	CUP	CUP	CUP	CUP
b. Non-Commercial Antennas under 35' in height	P	P	P	P	P	P
c. Non-Commercial Antennas over 35' in height	SUP	SUP	SUP	SUP	SUP	SUP
d. Ham radio	P	P	P	P	P	P
2. Water Storage tanks less than 5,000 gallons	P	P	P	P	P	P
more than 5,000 gallons	SUP	SUP	SUP	SUP	SUP	-
3. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P	P	P	P	P
4. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons	SUP	SUP	SUP	SUP	SUP	SUP
5. Overnight commercial vehicle parking for vehicles not related to the on-site use and which does not reduce available parking spaces during business hours	-	-	SUP	-	-	-
6. Helipads	CUP	CUP	CUP	CUP	CUP	CUP

J. Manufacturing/Production/Wholesale Uses

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	-	-	-
2. Assembly of Products, as an ancillary use to any approved commercial use described above in Table 9.35.030.A, that is conducted within a completely enclosed building.	P	P	P	P	P	P
3. Artisan Beverage Makers						
a. Non-alcoholic - production only	-	-	P	-	-	-
b. Non-alcoholic with food or beverage service	-	P	P	-	P	P
c. Small Beer Manufacturer	-	-	SUP	-	-	-
d. Micro-brewery/Brewpub including food or beverage service	-	SUP	SUP	-	SUP	-
e. Craft Distillery	-	-	CUP	-	-	-
f. Craft Distillery with Restaurant	-	CUP	CUP	-	CUP	-
4. Upholstery conducted within a completely enclosed building		P	P	P	P	

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or the outdoor use is specifically approved through a Conditional Use Permit or Special Use Permit.
 CUP: Conditional Use Permit
 P: Permitted Uses
 SUP: Special Use Permit
 “-“ Denotes uses are prohibited
- (3) Fees Waived
- (3) The incidental exterior storage of hay, packaged feed and related bulk feed products when associated with a Feed and Tack business is permitted and may be located anywhere on site to the rear of the leading edge of

- the building on said site or behind the required street side-yard setback area. Said stored hay, packaged feed and related bulk feed products need not be screened from view and may be stacked to a height not to exceed ten (10) feet.
- (4) Regulations for Churches and Places of Assembly in Subsection 9.29.050 shall apply.
 - (6) Only includes existing vacant buildings greater than 40,000 square feet in floor area and would be subject to the TUP regulations identified
 - (14) A Belly Dancer entertainer is permitted to perform on a 100 square-foot dance area.”

Section 4. Amend Table 9.45.030-A “Permitted Uses” of Chapter 9.45 “Industrial Districts” as follows:

Table 9.45.030-A Permitted Uses
 (See Chapter 9.46 for Specific Use Regulations)

TYPE OF USE ⁽¹⁾	I-P	I-RE ⁽³⁾
A. Residential Uses		
1. Caretakers residence	SUP	SUP
2. Emergency shelters ⁽⁴⁾	P	-
3. Transitional housing ⁽⁴⁾	P	-
4. Supportive Housing ⁽⁴⁾	P	-
5. Single Room occupancy facilities ⁽⁴⁾	CUP	-
B. Agricultural Uses		
1. Animal grazing or raising, commercial or noncommercial, on vacant property, minimum of two and one-half (2½) acres lot size	-	P
2. Farm animal projects, accessory to a nonconforming residence	P	P
3. Farms or ranches for orchards, tree crops, field crops, truck or flower gardening, growing of nursery plants and the sale of agricultural products	-	P
C. Manufacturing and Production Uses		
1. Assembly, manufacturing, compounding, or treatment of articles or merchandise from previously prepared materials such as, but not limited to canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, metals, paper (no milling), precious or semi-precious stones, plaster, plastics, rubber, synthetics, shells, textiles, tobacco, wood, and yarns; novelty items (not including fireworks or other explosive type items), electrical appliances and motors, electronic items, precision instruments, medical and dental instruments, timing and measuring instruments, audio machinery; visual machinery; food, cosmetics, drugs, perfumes, toiletries, soap (not including refining or rendering of fats or oils) and research and testing.	P	-
2. Bakery Plants	P	-
3. Beverage Production	P	-
4. Bottling plants	P	-
5. Cement and asphalt manufacturing and products	-	CUP

TYPE OF USE⁽¹⁾	I-P	I-RE⁽³⁾
6. Fruit and vegetable packing houses	-	-
7. Ice Dealer	P	-
8. Laboratories, including chemical, dental, electrical, optical, mechanical and medical	P	-
9. Mining	-	SM
10. Outdoor manufacturing	-	CUP
11. Production of entertainment/educational media	P	-
11. Upholstery conducted within a completely enclosed building	P	-
<i>D. Storage and Wholesale Trades</i>		
1. Vehicle fleet storage, impound lot	-	-
2. Commercial antennas and telecommunication facilities.	CUP	CUP
Non-commercial antennas 35 feet or less	P	-
Non-commercial antennas over 35 feet	SUP	-
3. Equipment storage, sales, rentals	P	P
4. Storage yards/facilities	P	P
5. General warehousing and distribution	P	-
6. Trailer, truck or bus terminal	-	-
<i>E. Services</i>		
1. Administrative, professional and general offices	P	-
2. Animal care facilities	SUP	-
3. Automotive services including motorcycles, boats, motorhomes, trailers and campers:		
a. Gasoline Stations and/or Carwash	SUP	-
b. Major repairs, including engine work, painting, body work and upholstery.	CUP	-
c. Minor repairs including such as smog check, tune-ups, tires brakes, batteries and mufflers.	SUP	-
4. Services such as barber, beauty, repair, copying	P	-
5. Cleaning and dyeing plant	-	-
6. Administrative and professional offices	P	-
7. Distributors, showrooms	P	-
8. General printing and lithography	P	-
9. Recycling facilities for reusable domestic materials:		
a. Reverse vending machines	P	P
b. Recycling Collection Points less than 500 sq ft	P	-
c. Recycling Collection Points greater than 500 sq ft	SUP	-
d. Recycling Centers	-	-
e. Yard waste composting facilities, outdoors	-	-
f. Recycling Plants	-	-
10. Transportation facilities, train, bus and taxi depots or terminals	CUP	-
11. Trucking Facilities	CUP	-
<i>F. Commercial Uses</i>		

TYPE OF USE ⁽¹⁾	I-P	I-RE ⁽³⁾
1. Retail commercial, when incidental to a permitted or conditional use and when goods offered for sale are manufactured, produced or assembled on the premises, not occupying more than twenty-five (25) percent of the gross floor area. Sale of accessory merchandise is also permitted.	P	-
2. Commissary for caterers, mobile food facilities and the like	SUP	-
3. Convenience stores, with or without gasoline sales	SUP	-
4. Home improvement centers: a. Material stored and sold within enclosed buildings b. Outdoor storage of material such as lumber and other building material	P SUP	- CUP
5. Hotels, motels and convention centers	CUP	-
6. Nurseries and garden supply stores, including outdoor display of plants	P	CUP
7. Restaurants a. Not drive-in or drive through b. Drive through	P SUP	- -
8. Swimming pool supplies	P	-
9. Vehicle sales and rental, including boats, trailers, campers, farm/construction equipment	SUP	-
G. Public and Semi-Public Uses		
1. Child or Senior day care center	SUP	-
2. Government Facilities	CUP	-
3. Places of Assembly	-	-
H. Accessory Uses		
1. Water Storage tanks less than 5,000 gallons more than 5,000 gallons	P SUP	P SUP
2. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P
3. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons	<u>SUP</u>	<u>SUP</u>
4. Overnight commercial vehicle parking for vehicles not related to the on-site use which does not reduce available parking spaces during business hours	-	P
5. Helipads	CUP	CUP

- (1) All uses shall be conducted within a completely enclosed building unless the use is specifically permitted in this Chapter as an outdoor use or is specifically approved through a Conditional Use Permit or Special Use Permit.
- (2) CUP: Conditional Use Permit
 P: Permitted uses
 SUP: Special Use Permit
 SM: Surface mining permit, requires Town Council review
 "-": denotes uses are prohibited

- (3) Industrial activities other than mining or mineral extraction are permitted only after the site has been mined and the land reclaimed. Vacant land not previously used for mining may be used on an interim basis with approval of a Conditional Use Permit provided that such use does not preclude, in any way, future mining or mineral extraction operations.
- (4) Fees waived.”

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 4th day of September 2019.

Vice Chairman Jason Lamoreaux

ATTEST:

I, Maribel Hernandez, 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 4th day of September 2019, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ms. Maribel Hernandez, Planning Commission Secretary

