



## Town Council Agenda Report

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Date: October 22, 2019 Item No. 9

To: Honorable Mayor and Town Council

Subject: DEVELOPMENT CODE AMENDMENT NO. 2019-009, AN AMENDMENT TO TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE MODIFYING TABLE 9.35.030-A "PERMITTED USES" 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TABLE 9.45.030-A "PERMITTED USES" OF CHAPTER 9.45 "INDUSTRIAL DISTRICTS" AS NEEDED TO ADDRESS CURRENT TRENDS AND REMOVE OUTDATED LANGUAGE. ALSO UNDER CONSIDERATION IS REPLACING THE CONDITIONAL USE PERMIT PROCESS WITH A SPECIAL USE PERMIT PROCESS FOR USES THAT HAVE LIMITED IMPACTS UPON THE SURROUNDING PROPERTY OWNERS.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner  
Planning Department

Budgeted Item:  Yes  No  N/A

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### RECOMMENDED ACTION:

- A. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- B. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for September 4, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. **Move** to waive the reading of Ordinance No. 520 in its entirety and read by title only.
- D. **Introduce** Ordinance No. 520 approving Development Code Amendment No. 2019-009; and

- E. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

**SUMMARY:**

On September 4, 2019, the Planning Commission adopted Planning Commission Resolution No. 2019-013 recommending the Town Council approve Development Code Amendment No. 2019-009. This amendment was initiated by the Town Council at the May 1, 2019 joint meeting of the Town Council and Planning Commission and will expand existing permitted use tables to consider current trends and remove outdated language.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.

The changes proposed under Development Code Amendment No. 2019-009 are necessary because the current permitted use tables do not reflect many existing uses within the community such as banks, laundromats and theaters, just to name a few. This amendment will incorporate businesses with emerging popularity, such as farmers markets, street vending and adult daycare.

As proposed, Development Code Amendment No. 2019-009 will permit places of assembly in commercial zones with the approval of a Temporary Use Permit and modify the entitlement process from a Conditional Use Permit to a Special Use Permit for several uses including: office uses within shopping centers, minor auto repairs, propane tanks over 200 gallons and child or senior care centers within the industrial zones.

**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, several uses have been added to the tables and modified the entitlement process and review authority has been modified for several other uses.

As recommended, places of assembly will be allowed as a temporary use within commercial zones. Temporary Use Permits are 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. The Director 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.

The following uses that currently require Conditional Use Permits:

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.

It is recommended that the above uses be permitted with the Community Development Director's review and approval of a Special Use Permit. 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. A complete strike-thru/underline version of the proposed changes can be reviewed within the attached Planning Commission report from the September 4, 2019 public hearing for Development Code Amendment No. 2019-009.

**NOTICING:**

Development Code Amendment No. 2019-009 was advertised as a Town Council public hearing in the Apple Valley News newspaper on October 11, 2019.

**ENVIRONMENTAL REVIEW:**

This proposal will add to the commercial and industrial permitted use tables specific uses that already exist in the Town and will modify the entitlement process for several other uses. The change in entitlement process will not reduce the level of environmental review that is already required. It has been determined that the changes proposed under Development Code Amendment No. 2019-009 will not promote development beyond that anticipated within the Environmental Impact Report prepared for the General Plan and certified August 11, 2009.

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.

**REQUIRED FINDINGS:**

An Amendment to the Development Code requires that the Town Council address two (2) required "Findings", as listed within Development Code Section 9.06.060. For Council consideration, the required Findings are listed below, along with a comment addressing each. If the Council concurs with these comments, it may be adopted. If the Council wishes to modify the offered comments, after considering input and public testimony at the public hearing, modifications to the Findings and Code Amendment can be included.

- 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 commercial and industrial permitted use tables will add uses based upon current trends in commercial activity, many of which already exist within the community. Modifying the entitlement process will not reduce development standards or the level of required environmental review. Therefore, Development Code Amendment No. 2019-009 will not be detrimental to the public health, safety or welfare of the Town or its residents.

**Fiscal Impact:**

Not Applicable

**Attachments:**

Ordinance No. 520

Planning Commission Staff Report

Planning Commission Resolution No. 2019-013

## ORDINANCE NO. 520

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING TABLE 9.35.030-A "PERMITTED USES" 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**, On May 1, 2019, the Town Council initiated a Development Code Amendment, to expand existing use tables to consider current trends and remove outdated language and review for potential modification the review authority for projects with limited impacts to the surrounding properties;

**WHEREAS**, Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, On September 4, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-009, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-013 forwarding a recommendation to the Council; and

**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 "Permitted Uses" 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**, Development Code Amendment No. 2019-009 is consistent with the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens

of the Town of Apple Valley; and

**WHEREAS**, The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, On October 11, 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**, On October 22, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-009, receiving testimony from the public and

**NOW, THEREFORE**, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2019-009 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2019-009 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**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 <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | 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 <sup>(2)</sup> | -   | -   | SUP | -   | SUP | -   |
| 4. Multi-family housing                                   | -   | -   | -   | -   | -   | P   |
| 5. Small family day care homes (8 or fewer children)      | -   | -   | -   | -   | -   | P   |

| TYPE OF USE <sup>(1)</sup>                        | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|---|-------------------------|-----|-----|-----|-----|-----|
|   | O-P                     | C-G | C-S | C-R | C-V | M-U |
| 6. Large family day care homes (9 to 14 children) | -                       | -   | -   | -   | -   | -   |

**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 retail   | - | 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 |

| TYPE OF USE <sup>(1)</sup>   | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|--|-------------------------|-----|-----|-----|-----|-----|
|  | O-P                     | C-G | C-S | C-R | C-V | M-U |
| 7. Catering establishments   | -                       | P   | P   | P   | P   | P   |
| 8. Commissary for caterers, mobile food facilities and the like  | -                       | -   | SUP | -   | SUP | -   |
| 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 <sup>(3)</sup> | -                       | P   | P   | P   | P   | SUP |
| 15. Hookah Bar/Lounge <sup>(14)</sup>  | -                       | 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 |



| TYPE OF USE <sup>(1)</sup>  | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|---|-------------------------|-----|-----|-----|-----|-----|
|   | O-P                     | C-G | C-S | C-R | C-V | M-U |
| 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   |

**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   |

| TYPE OF USE <sup>(1)</sup>                         | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|--|-------------------------|-----|-----|-----|-----|-----|
|  | O-P                     | C-G | C-S | C-R | C-V | M-U |
| 6. Public utility installations, including offices | CUP                     | CUP | CUP | CUP | CUP | CUP |

**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
- (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.”

**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 <sup>(1)</sup>  | I-P | I-RE <sup>(3)</sup> |
|---|-----|---------------------|
| <b>A. Residential Uses</b>  |     |                     |
| 1. Caretakers residence   | SUP | SUP                 |
| 2. Emergency shelters <sup>(4)</sup>  | P   | -                   |
| 3. Transitional housing <sup>(4)</sup>  | P   | -                   |
| 4. Supportive Housing <sup>(4)</sup>  | P   | -                   |
| 5. Single Room occupancy facilities <sup>(4)</sup>  | CUP | -                   |
| <b>B. Agricultural Uses</b>   |     |                     |
| 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                   |
| <b>C. Manufacturing and Production Uses</b>   |     |                     |
| 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   | -                   |

| <b>TYPE OF USE<sup>(1)</sup></b>   | <b>I-P</b> | <b>I-RE<sup>(3)</sup></b> |
|--|------------|---------------------------|
| 4. Bottling plants   | P          | -                         |
| 5. Cement and asphalt manufacturing and products   | -          | CUP                       |
| 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          | -                         |
| 12. Upholstery conducted within a completely enclosed building                                 | P          | -                         |
| <b><i>D. Storage and Wholesale Trades</i></b>  |            |                           |
| 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  | -          | -                         |
| <b><i>E. Services</i></b>  |            |                           |
| 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        | -                         |
| <b><i>F. Commercial Uses</i></b>   |            |                           |

| <b>TYPE OF USE<sup>(1)</sup></b>  | <b>I-P</b> | <b>I-RE<sup>(3)</sup></b> |
|---|------------|---------------------------|
| 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:<br>a. Material stored and sold within enclosed buildings<br>b. Outdoor storage of material such as lumber and other building material  | P<br>SUP   | -<br>CUP                  |
| 5. Hotels, motels and convention centers  | CUP        | -                         |
| 6. Nurseries and garden supply stores, including outdoor display of plants  | P          | CUP                       |
| 7. Restaurants<br>a. Not drive-in or drive through<br>b. Drive through  | P<br>SUP   | -<br>-                    |
| 8. Swimming pool supplies   | P          | -                         |
| 9. Vehicle sales and rental, including boats, trailers, campers, farm/construction equipment  | SUP        | -                         |
| <b><i>G. Public and Semi-Public Uses</i></b>  |            |                           |
| 1. Child or Senior day care center  | SUP        | -                         |
| 2. Government Facilities  | CUP        | -                         |
| 3. Places of Assembly   | -          | -                         |
| <b><i>H. Accessory Uses</i></b>   |            |                           |
| 1. Water Storage tanks less than 5,000 gallons<br>more than 5,000 gallons   | P<br>SUP   | P<br>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        | SUP                       |
| 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.”

**Section 5.** 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 6.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 7.** Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

**Approved and Adopted** by the Town Council and signed by the Mayor and attested to by the Town Clerk this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Honorable Larry Cusack, Mayor

ATTEST:

\_\_\_\_\_  
Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. Thomas Rice, Town Attorney

\_\_\_\_\_  
Mr. Douglas B. Robertson, Town Manager



## Planning Commission Agenda Report

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**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:

5. Office use within a shopping center occupying over ten (10) percent of the floor area;
6. Minor auto repairs consisting of smog check, tune-ups, tires, brakes, batteries, mufflers and the like;
7. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons; and,
8. 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 <sup>(1)</sup>  | DISTRICT <sup>(1)</sup> |                          |                          |                          |                          |                          |
|---|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
|   | O-P                     | C-G                      | C-S                      | C-R                      | C-V                      | M-U                      |
| <b>A. Residential Uses</b>  |                         |                          |                          |                          |                          |                          |
| 1. Caretakers residence   | SUP                     | SUP                      | SUP                      | SUP                      | SUP                      | SUP                      |
| 2. Congregate care facilities ( <del>Senior Housing</del> )   |                         |                          |                          |                          |                          |                          |
| — 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 <sup>(2)</sup>   | -                       | -                        | 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. <del>Child day care centers, facilities (15 or more)</del>   | SUP                     | SUP                      | SUP                      | SUP                      | SUP                      | SUP                      |
| <b>B. Office and Related Uses</b>   |                         |                          |                          |                          |                          |                          |
| 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><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> |
| b. Located on the second floor of the shopping center   | -                       | P                        | P                        | P                        | P                        | P                        |
| <b>Alcoholic Beverage Sales and/or Production (Applicable ABC License Types)</b>  |                         |                          |                          |                          |                          |                          |
| 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                        |                          |                          |                          |
| <b>Assembly Uses</b>  |                         |                          |                          |                          |                          |                          |
| <b>2. Convention and Event Centers</b>  | -                       | <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                      |
| <b>4. Recreational Assembly (Theaters, auditoriums)</b>   | -                       | <u>P</u>                 | <u>P</u>                 | <u>P</u>                 | <u>P</u>                 | <u>P</u>                 |

| TYPE OF USE <sup>(1)</sup>  | DISTRICT <sup>(1)</sup> |            |            |            |            |            |
|---|-------------------------|------------|------------|------------|------------|------------|
|   | O-P                     | C-G        | C-S        | C-R        | C-V        | M-U        |
| 5. Religious institutions (4)<br>— Under five (5) acres<br>— Five (5) or more acres       | CUP                     | -          | -          | -          | -          | <u>CUP</u> |
| <b><u>Places of assembly as a temporary use</u></b>                                       | <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        | -          |
| <b><u>Auction House - Indoor</u></b>   | -          | P          | P          | -          | P          | -          |
| <b><u>Billboards (See Section 9.74.187)</u></b>  | -          | -          | -          | <u>CUP</u> | -          | -          |
| 7. Carpenter or cabinet shop   | -          | -          | P          | -          | P          | CUP        |
| 8. Catering establishments   | -          | P          | P          | P          | P          | P          |
| <b><u>Commissary for caterers, mobile food facilities and the like</u></b>   | -          | -          | <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        |
| <b><u>Farmers Market – Open Air</u></b>  | -          | <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 <sup>(3)</sup> | -          | P          | P          | P          | P          | SUP        |
| 17. Hookah Bar/Lounge <sup>(14)</sup>  | -          | 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        |
| <b><u>Registered vehicle sales, no outdoor display</u></b>   | -          | <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          |
| <b><u>b. Including Outdoor Seating</u></b>   | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   | <u>P</u>   |
| <b><u>c. Including Outdoor cooking</u></b>   | -          | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | -          |
| <b><u>Including Drive-Through Drive In</u></b>   | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> | <u>SUP</u> |

| TYPE OF USE <sup>(1)</sup>   | DISTRICT <sup>(1)</sup> |          |          |          |          |          |
|--|-------------------------|----------|----------|----------|----------|----------|
|  | O-P                     | C-G      | C-S      | C-R      | C-V      | M-U      |
| 28. Storage yard/facilities, <b>including, not limited</b> to, boats, RV's, trucks, mini storage and equipment/supplies                  | -                       | CUP      | CUP      | -        | CUP      | CUP      |
| 29. Studios, such as photo, <b>art, music,</b> dance, gymnastics, martial arts etc.  | P                       | P        | P        | P        | P        | P        |
| <b>Television/Radio broadcasting studio</b>  |                         |          | <b>P</b> |          | <b>P</b> |          |
| 30. Swap Meets<br>Indoor –<br>Outdoor -  | -<br>-                  | P<br>CUP | P<br>CUP | -<br>-   | P<br>CUP | P<br>-   |
| 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      |
| <b>Street Vendors (Subject to Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code)</b> | <b>P</b>                | <b>P</b> | <b>P</b> | <b>P</b> | <b>P</b> | <b>P</b> |

**Recreational Uses** 11. Commercial Recreation facilities including:

|   |     |     |     |     |     |     |
|---|-----|-----|-----|-----|-----|-----|
| 1. Health clubs/ <b>Fitness Centers</b>   | SUP | P   | P   | P   | P   | P   |
| 2. Indoor uses such as bowling, billiards, or <b>skating rinks, theaters</b>          | -   | 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 | -        | <b>SUP</b><br><b>CUP</b> | <b>SUP</b><br><b>CUP</b> | <b>SUP</b><br><b>CUP</b> | <b>SUP</b><br><b>CUP</b> | <b>SUP</b><br><b>CUP</b> |
| <b>d. Vehicle charging Stations</b>   | <b>-</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| 26. Services, such as barber/beauty, repair, laundry  | -        | P                        | P                        | P                        | P                        | P                        |
| <b>6. Banks/financial institution</b>   | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>Check Cashing Service</b>  | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| 10. Day care center Child or <b>Senior</b>  | SUP      | SUP                      | SUP                      | SUP                      | SUP                      | SUP                      |
| <b>Day Spas</b>   | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>Dry Cleaners</b>   | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>Hair/Nail Salons/Barber Shops</b>  | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>Laundromat</b>   | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>Medical/Health Related Services</b>  |          |                          |                          |                          |                          |                          |
| <b>3. Medical/Dental Offices</b>  | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |
| <b>4. Acupuncture/Acupressure, Chiropractic</b>   | <b>P</b> | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 | <b>P</b>                 |

| TYPE OF USE <sup>(1)</sup>   | DISTRICT <sup>(1)</sup> |          |          |          |          |          |
|--|-------------------------|----------|----------|----------|----------|----------|
|  | O-P                     | C-G      | C-S      | C-R      | C-V      | M-U      |
| <b><u>Aromatherapy (CAMTC Certification Required)</u></b>            | <u>P</u>                | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| <b><u>5. Massage, Therapeutic (CAMTC Certification Required)</u></b> | <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      | -        |
| <b><u>Repair of appliances, computers, TVs, and the like.</u></b>    | -                       | <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        |
| <b><u>a. Hospitals and Convalescent facilities Over 20 acres which may include a helipad</u></b> | <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><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><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                      | -                        | -                        | -                        |
| <b><u>Helipads</u></b>   | <u>CUP</u>               | <u>CUP</u>               | <u>CUP</u>               | <u>CUP</u>               | <u>CUP</u>               | <u>CUP</u>               |

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

- (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.

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 <sup>(1)</sup>  | I-P             | I-RE <sup>(3)</sup> |
|---|-----------------|---------------------|
| <b>A. Residential Uses</b>  |                 |                     |
| 1. Caretakers residence   | SUP             | SUP                 |
| 2. Emergency shelters <sup>(4)</sup>  | P               | -                   |
| 3. Transitional housing <sup>(4)</sup>  | P               | -                   |
| 4. Supportive Housing <sup>(4)</sup>  | P               | -                   |
| 5. Single Room occupancy facilities <sup>(4)</sup>  | CUP             | -                   |
| <b>B. Agricultural Uses</b>   |                 |                     |
| 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                   |
| <b>C. Manufacturing and Production Uses</b>   |                 |                     |
| 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               | -                   |
| <b><u>Bakery Plants</u></b>   | <b><u>P</u></b> | <b><u>-</u></b>     |
| <b><u>Beverage Production</u></b>   | <b><u>P</u></b> | <b><u>-</u></b>     |
| 2. Bottling plants  | P               | -                   |
| 3. Cement and asphalt manufacturing and products  | -               | CUP                 |
| 4. Fruit and vegetable packing houses   | -               | -                   |
| <b><u>Ice Dealer</u></b>  | <b><u>P</u></b> | <b><u>-</u></b>     |
| 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               | -                   |
| <b><u>Upholstery conducted within a completely enclosed building</u></b>  | <b><u>P</u></b> | <b><u>-</u></b>     |
| <b>D. Storage and Wholesale Trades</b>  |                 |                     |

| <b>TYPE OF USE<sup>(1)</sup></b>  | <b>I-P</b>        | <b>I-RE<sup>(3)</sup></b> |
|---|-------------------|---------------------------|
| 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   | -                 | -                         |
| <b><i>E. Services</i></b>   |                   |                           |
| 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               | -                         |
| <b><i>F. Commercial Uses</i></b>  |                   |                           |
| 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                 | -                         |
| <b><u>Commissary for caterers, mobile food facilities and the like</u></b>  | <b><u>SUP</u></b> | <b><u>:</u></b>           |
| 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   | <b><u>SUP</u></b> | CUP                       |
| 4. Hotels, motels and convention centers  | CUP               | -                         |
| 5. Nurseries and garden supply stores, including outdoor display of plants  | P                 | CUP                       |

| TYPE OF USE <sup>(1)</sup>   | I-P                      | I-RE <sup>(3)</sup>      |
|--|--------------------------|--------------------------|
| 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                      | -                        |
| <b>G. Public and Semi-Public Uses</b>  |                          |                          |
| 1. Child <b>or Senior</b> day care center  | <u>SUP</u><br><u>CUP</u> | -                        |
| 2. Government Facilities   | CUP                      | -                        |
| 3. Places of Assembly  | -                        | -                        |
| <b>H. Accessory Uses</b>   |                          |                          |
| 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  | <u>SUP</u><br><u>CUP</u> | <u>SUP</u><br><u>CUP</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                        |
| <b>Helipads</b>  | <u>CUP</u>               | <u>CUP</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 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.



**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. 2019-009 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY UPDATING TABLE 9.35.030-A “PERMITTED USES” 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 <sup>(1)</sup>                                | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|---|-------------------------|-----|-----|-----|-----|-----|
|   | O-P                     | C-G | C-S | C-R | C-V | M-U |
| <b>A. Residential Uses</b>                                |                         |     |     |     |     |     |
| 1. Caretakers residence                                   | SUP                     | SUP | SUP | SUP | SUP | SUP |
| 2. Congregate care facilities                             | CUP                     | CUP | CUP | CUP | CUP | CUP |
| 3. Emergency shelters/transitional housing <sup>(2)</sup> | -                       | -   | 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 <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | 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 retail   | - | 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 <sup>(1)</sup>   | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|--|-------------------------|-----|-----|-----|-----|-----|
|  | 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 <sup>(3)</sup> | -                       | P   | P   | P   | P   | SUP |
| 15. Hookah Bar/Lounge <sup>(14)</sup>  | -                       | 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 <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | 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 <sup>(1)</sup> | DISTRICT <sup>(1)</sup> |     |     |     |     |     |
|----------------------------|-------------------------|-----|-----|-----|-----|-----|
|                            | 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
- (4) 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 <sup>(1)</sup>  | I-P | I-RE <sup>(3)</sup> |
|---|-----|---------------------|
| <b>A. Residential Uses</b>  |     |                     |
| 1. Caretakers residence   | SUP | SUP                 |
| 2. Emergency shelters <sup>(4)</sup>  | P   | -                   |
| 3. Transitional housing <sup>(4)</sup>  | P   | -                   |
| 4. Supportive Housing <sup>(4)</sup>  | P   | -                   |
| 5. Single Room occupancy facilities <sup>(4)</sup>  | CUP | -                   |
| <b>B. Agricultural Uses</b>   |     |                     |
| 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                   |
| <b>C. Manufacturing and Production Uses</b>   |     |                     |
| 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                 |

| <b>TYPE OF USE<sup>(1)</sup></b>   | <b>I-P</b> | <b>I-RE<sup>(3)</sup></b> |
|--|------------|---------------------------|
| 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          | -                         |
| 12. Upholstery conducted within a completely enclosed building                                 | P          | -                         |
| <b><i>D. Storage and Wholesale Trades</i></b>  |            |                           |
| 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  | -          | -                         |
| <b><i>E. Services</i></b>  |            |                           |
| 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        | -                         |
| <b><i>F. Commercial Uses</i></b>   |            |                           |

| <b>TYPE OF USE<sup>(1)</sup></b>  | <b>I-P</b> | <b>I-RE<sup>(3)</sup></b> |
|---|------------|---------------------------|
| 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:<br>a. Material stored and sold within enclosed buildings<br>b. Outdoor storage of material such as lumber and other building material  | P<br>SUP   | -<br>CUP                  |
| 5. Hotels, motels and convention centers  | CUP        | -                         |
| 6. Nurseries and garden supply stores, including outdoor display of plants  | P          | CUP                       |
| 7. Restaurants<br>a. Not drive-in or drive through<br>b. Drive through  | P<br>SUP   | -<br>-                    |
| 8. Swimming pool supplies   | P          | -                         |
| 9. Vehicle sales and rental, including boats, trailers, campers, farm/construction equipment  | SUP        | -                         |
| <b>G. Public and Semi-Public Uses</b>   |            |                           |
| 1. Child or Senior day care center  | SUP        | -                         |
| 2. Government Facilities  | CUP        | -                         |
| 3. Places of Assembly   | -          | -                         |
| <b>H. Accessory Uses</b>  |            |                           |
| 1. Water Storage tanks less than 5,000 gallons<br>more than 5,000 gallons   | P<br>SUP   | P<br>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        | SUP                       |
| 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 Bruce Kallen

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