



Town Council Agenda Report

Date: November 12, 2019 Item No. 5

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 520 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING 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TABLE 9.45.030-A "PERMITTED USES" OF CHAPTER 9.45 "INDUSTRIAL DISTRICTS" AS NEEDED TO ADDRESS CURRENT TRENDS AND REMOVE OUTDATED LANGUAGE AND REPLACING THE CONDITIONAL USE PERMIT PROCESS WITH A SPECIAL USE PERMIT PROCESS FOR USES THAT HAVE LIMITED IMPACTS UPON THE SURROUNDING PROPERTY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

RECOMMENDED ACTION:

Adopt Ordinance No. 520

SUMMARY:

At its October 22, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 520 that will modify the permitted use tables within the commercial and industrial zones and replace the Conditions Use Permit process with the Special Use Permit process for uses that have limited impacts upon the surrounding property owners. Ordinance No. 520 has been scheduled for adoption at the November 12, 2019 Town Council meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 520

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Council initiated a Development Code Amendment, to expand existing use tables to consider current trends and remove outdated language and review for potential modification the review authority for projects with limited impacts to the surrounding properties;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 ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U

A. Residential Uses

1. Caretakers residence	SUP	SUP	SUP	SUP	SUP	SUP
2. Congregate care facilities	CUP	CUP	CUP	CUP	CUP	CUP
3. Emergency shelters/transitional housing ⁽²⁾	-	-	SUP	-	SUP	-
4. Multi-family housing	-	-	-	-	-	P
5. Small family day care homes (8 or fewer children)	-	-	-	-	-	P

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	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 ⁽¹⁾	DISTRICT ⁽¹⁾					
	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 ⁽³⁾	-	P	P	P	P	SUP
15. Hookah Bar/Lounge ⁽¹⁴⁾	-	SUP	SUP	SUP	SUP	SUP
16. Hotels and motels	-	P	P	P	P	P
17. Kiosks for key shops, film drops in parking lots	SUP	SUP	SUP	SUP	SUP	SUP
18. Nurseries	-	P	P	P	P	P
19. Parking lots/structures	P	P	P	P	P	P
20. Pawn shops	-	P	P	-	P	-
21. Recycling facilities for reusable domestic materials						
a. Reverse vending machines	-	P	P	P	P	P
b. Recycling Collection Point less than 500 sq ft	-	P	P	P	P	P
c. Recycling Collection Point over 500 sq ft	-	SUP	SUP	SUP	SUP	SUP
d. Recycling Center	-	-	CUP	-	-	-
22. Registered vehicle sales/rental including boats, trailers and Campers	-	CUP	CUP	CUP	CUP	CUP
23. Registered vehicle sales, no outdoor display	-	P	P	P	P	-
24. Restaurants (not drive thru or drive in)	P	P	P	P	P	P
a. Including Outdoor Seating	P	P	P	P	P	P
b. Including Outdoor cooking	-	SUP	SUP	SUP	SUP	-
25. Including Drive-Through Drive In	SUP	SUP	SUP	SUP	SUP	SUP
26. Storage yard/facilities, including, not limited to, boats, RV's, trucks, mini storage and equipment/supplies	-	CUP	CUP	-	CUP	CUP
27. Studios, such as photo, art, music, dance, gymnastics, martial arts etc.	P	P	P	P	P	P
28. Television/Radio broadcasting studio			P		P	
29. Swap Meets						
Indoor –	-	P	P	-	P	P
Outdoor -	-	CUP	CUP	-	CUP	-
30. Thrift or secondhand stores	-	P	P	-	P	P
31. Transportation facilities, train, bus and taxi depots, not including office only uses	-	CUP	CUP	CUP	CUP	SUP
32. Trucking facilities such as:						
a. Truck terminals	-	-	CUP	CUP	-	-
b. Truck yards	-	-	CUP	-	-	-
c. Truck repair	-	-	CUP	-	-	-
33. Outdoor sale/rental of farm and large construction equipment and small equipment	-	SUP	SUP	SUP	SUP	SUP
34. New construction of outdoor storage.	-	SUP	SUP	SUP	SUP	SUP

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

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

TYPE OF USE⁽¹⁾	I-P	I-RE⁽³⁾
1. Retail commercial, when incidental to a permitted or conditional use and when goods offered for sale are manufactured, produced or assembled on the premises, not occupying more than twenty-five (25) percent of the gross floor area. Sale of accessory merchandise is also permitted.	P	-
2. Commissary for caterers, mobile food facilities and the like	SUP	-
3. Convenience stores, with or without gasoline sales	SUP	-
4. Home improvement centers: a. Material stored and sold within enclosed buildings b. Outdoor storage of material such as lumber and other building material	P SUP	- CUP
5. Hotels, motels and convention centers	CUP	-
6. Nurseries and garden supply stores, including outdoor display of plants	P	CUP
7. Restaurants a. Not drive-in or drive through b. Drive through	P SUP	- -
8. Swimming pool supplies	P	-
9. Vehicle sales and rental, including boats, trailers, campers, farm/construction equipment	SUP	-
<i>G. Public and Semi-Public Uses</i>		
1. Child or Senior day care center	SUP	-
2. Government Facilities	CUP	-
3. Places of Assembly	-	-
<i>H. Accessory Uses</i>		
1. Water Storage tanks less than 5,000 gallons more than 5,000 gallons	P SUP	P SUP
2. Liquid, petroleum or Gas (LPG) Tanks not exceeding 200 gallons	P	P
3. Liquid, petroleum or Gas (LPG) Tanks greater than 200 gallons or flammable tanks up to 2,500 gallons	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 12th day of November 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