

## **ORDINANCE NO. 544**

### **AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING DEVELOPMENT CODE AMENDMENT NO. 2021-001 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENT**

**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**, The Town of Apple Valley Town Council created an Ad Hoc Committee to review multi-family development standards; and

**WHEREAS**, On November 10, 2020, the Town Council received the recommendations of the Ad Hoc Committee and initiated a Development Code Amendment directing staff to work with the Planning Commission to modify the multi-family standard; 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**, Specific changes are proposed to Title 9 "Development Code" of the Town of Apple Valley Municipal Code including Chapter 9.08 "Definitions", Chapter 9.28 "Residential Districts", Chapter 9.29 "Specific Use Regulations for Residential Districts", Chapter 9.31 "Residential Design Standards" and Chapter 9.72 "Off-Street Parking and Loading Regulations" as it relates to multi-family development; and

**WHEREAS**, On February 3, 2021, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2021-001 receiving testimony from the public and adopted Planning Commission Resolution No. 2021-002; and

**WHEREAS**, It 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**, Development Code Amendment No. 2021-001 is consistent with Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**WHEREAS**, On February 26, 2021, Development Code Amendment No. 2021-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, on March 9, 2021 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2021-001 receiving testimony from the public; and

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Town Council at said hearing, the Town Council of the Town of Apple Valley, California, does hereby resolve, order and determine as follows, make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No. 2021-001 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. 2021-001 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Replace Section 9.29.070 "Multi-Family Housing Standards" in its entirety with the following:

**"9.29.070 Multi-Family Housing Standards**

**A. *Applicability.*** Multi-family housing, including but not limited to duplexes, triplexes, apartments, condominiums and townhouses is permitted in the R-M district with an approved Development Permit or Conditional Use Permit. Single-family housing, including attached and detached homes, is permitted within the R-M district within the Mountain Vista neighborhood only.

**B. *General Development Standards.*** All multi-family housing projects shall comply with applicable site development standards of Chapter 9.28,

*Residential Districts*, of this Code. Projects shall be regulated by total unit count. Small Projects shall be from 2-8 units in size; Medium Projects shall be from 9-15 units in size; and Large Projects shall be 16 units in size or larger. In addition, the following standards shall apply to all multi-family projects:

1. Setbacks -

- a. Front yard - Twenty-five (25) feet, or an average between the two adjacent developments and twenty-five (25) feet.
- b. Street side yard - Fifteen (15) feet
- c. Interior side yard - Ten (10) feet
- d. Rear yard - Ten (10) feet
- e. Parking shall require a minimum fifteen (15)-foot front yard or streetside yard setback. Parking shall be setback from the interior side and rear property lines by a minimum of five (5) feet.
- f. Structures shall have a minimum fifteen (15)-foot side or rear setback when adjacent to a single-family residential zone.
- g. Properties with a recorded front and street side yard setback greater than the minimum required setback can reduce this setback with the recordation of a Certificate of Correction to the approved map as long as the new setback is an average of the two (2) adjacent developments and not less than twenty-five (25) feet.

2. ***Separation Between Buildings.*** All buildings on the same lot shall be separated by a minimum of ten (10) feet.

3. ***Minimum Dwelling Unit Size.*** The minimum dwelling unit size, exclusive of any balcony or private open space shall be as follows:

- a. Studio - 500 square feet
- b. One Bedroom - 700 square feet
- c. Two Bedroom - 900 square feet
- d. Three Bedroom and larger - 1,100 square feet. For every bedroom increase above a 3-bedroom, an additional 150 square feet shall be added to the minimum unit square footage.
- e. Where single family homes are constructed within the R-M District and/or in the Mountain Vista neighborhood, the minimum home size shall be 1,000 square feet. (The Mountain Vista neighborhood is described in Section 9.28.020 H - Footnote No. 1).

4. **Private Open Space.** Private open space on a ground floor unit shall be a minimum of 250 square feet with a minimum width of ten (10) feet. Upper floor units shall have a balcony with a minimum of 100 square feet. Private open space for multi-story units may consist of ground floor patios and balconies for a cumulative total of 250 square feet minimum.
5. **Landscape Required.** A minimum landscaped setback area ten (10) feet wide, measured from the property line, shall be provided along each street frontage of the project. A minimum five (5)-foot wide landscape setback shall be provided along the interior side and rear yards, with the exception of driveways, private open space and accessible pathways. All areas not utilized for structures, walkways, parking or drive aisles shall be fully landscaped as required in Chapter 9.75, Water Conservation/Landscaping Regulations, of this Code.
6. **Lot Coverage.** The maximum lot coverage is seventy (70) percent of the net project site. Lot coverage over seventy (70) percent can be allowed with Planning Commission approval.
7. **Pedestrian Circulation.** An interior walkway system with a minimum width of four (4) feet shall be incorporated into the project for the purpose of providing direct access to and from all individual dwelling units, trash storage areas, parking areas, recreational areas and other outdoor common spaces.
8. **Lighting.**
  - a. The following areas shall be lighted during the hours of darkness in a manner consistent with the Performance Standards contained in subsection 9.70.020.H of this Code and the Town Lighting Ordinance:
    - 1) Private streets and drive aisles;
    - 2) Parking Areas;
    - 3) Walkways or pedestrian or bicycle paths;
    - 4) Individual dwelling entries;
    - 5) Addresses;
    - 6) Recreational facilities;
    - 7) Active outdoor play areas; and
    - 8) Project entryways.
  - b. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way.
  - c. Lighting fixtures shall be of a type and shall be located such that no light or reflected glare is directed off-site and shall provide that no light is directed above the horizontal plane.
  - d. When on-site lighting occurs, low-rise, pedestrian scale lighting fixtures shall be used in common open space areas, adjacent to

dwelling, and along pedestrian and bicycle paths. The maximum height of such a fixture shall be fifteen (15) feet.

9. **Security Devices.** Each door providing ingress and egress to any multi-family dwelling unit shall be equipped with the following devices:
  - a. A peephole allowing a person inside the unit to see, at a wide angle, persons outside of the unit at the door, without the person inside being seen; and
  - b. A deadbolt lock attached to the construction studding. Attachment to the doorjamb or trim shall not be sufficient to comply with this standard.
10. **Streets.** Development projects which have a maximum of two (2) access points to a public right-of-way or which are enclosed private drives shall be permitted to use private driveways for access. Two-way driveways and drive aisles shall have a minimum width of twenty-six (26) feet. Proposed structures over thirty-five (35) feet in height shall require thirty-six (36)-foot wide fire lanes, subject to the review and approval of the Apple Valley Fire Protection District. Where a development is designed to mimic a small tract of residences, or where the project provides more than two (2) external connections to public rights-of-way, private roads shall be built to Town Standards.

**C. Small Project (2-8 Units) Development Standards.** In addition to the standards within above Section B "General Development Standards", the following standards shall apply:

1. **Common open space.** None required for Small Projects.
2. **Parking.** A two (2) car garage, plus 1 uncovered guest space shall be required for each unit. Carports are permitted for the guest space.
3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. **Covered Parking.** A two (2)-car garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet shall be required for each unit.
6. **Exterior Storage.** No additional storage shall be required in addition to the garage requirement.
7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened

from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.

8. **Trash Enclosures.** When trash enclosures are required (more than four (4) units), they shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall comply with the minimum standards set forth in Sections 9.28.150, Trash Enclosures, and 9.31.050, Multi-Family Architectural Design Standards, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Small Projects.

D. **Medium Projects (9-15 Units).** In addition to the standards within above Section B "General Development Standards", the following standards shall apply:

1. **Common open space.** None required for Medium Projects.
2. **Parking.** A total of 2.5 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport. If a carport is used for the covered parking it must not be open to the street. If this cannot be accommodated, then a garage would be required.
3. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
4. **Parking Lot Landscape.** Tree wells/Fingers in parking lots shall be required for every ten (10) spaces of uncovered parking with a minimum of at least one (1) in order to provide shade.
5. **Covered Parking.** The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
6. **Exterior Storage.** No additional storage will be required in addition to a two (2)-car garage. Absent of a private garage, a minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material. Exposed wood construction is not permitted. Exterior storage may be installed within the parking structure, immediately

adjacent to the unit or other designated storage structure for a cumulative minimum of 200 cubic feet of private, lockable storage space.

7. **Mechanical Equipment.** Ground mounted mechanical equipment can be located in the front or street side yard setbacks as long as it is screened from view. Screening can consist of a decorative block wall or landscape material. Ground mounted equipment can also be located in the side and rear setbacks without screening.
8. **Trash Enclosures.** Trash enclosures shall be allowed in the front and street side yards setbacks with the construction of a standard trash enclosure. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.
9. **Height.** Structures shall be limited to thirty-five (35) feet in height.
10. **Laundry Facilities.** Each unit shall be plumbed and wired for a washing machine and dryer.
11. **Amenities.** No amenities shall be required for Medium Projects.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.

**E. Large Projects (16 Units and Larger) Development Standards.** In addition to the above standards within Section B "General Development Standards", the following standards shall apply:

1. **Common Usable Open Space.** A minimum of 5,000 square feet or five percent (5%), whichever is larger, of the project site shall be provided as common usable open space. Common useable open space shall meet the following requirements:
  - a. Useable open space areas shall not include rights-of-way, vehicle parking areas, private open space areas, or areas with slopes exceeding fifteen (15) percent and shall have a minimum width of twenty-five (25) feet.
  - b. Such areas shall be planted with turf or ground cover, or other landscaping which will control dust;
  - c. Common useable open space shall not be obstructed except by improvements that enhance usability, such as swimming pools, fountains, sunshades, and plantings; and
  - d. If at ground level, common useable open space areas shall not be covered more than fifty (50) percent by a building overhang or balcony, unless it is an integral part of an amenity.

2. **Amenities.** Amenities shall be provided under the following schedule. A majority, or fifty(50) percent of the amenities shall be recreational amenities as defined in Chapter 9.08 of this Code. Duplicated amenities shall be considered a single amenity, except if amenities target different age groups (i.e. pre-teens, teens, adults) or amenities are distinctly designed incorporating different features. Noise levels shall be considered in the placement of any amenity. Amenities can be located within the setback areas and within the required Common Open Space area.
  - a. 16-50 units - requires 2 amenities
  - b. 51-100 units - requires 3 amenities
  - c. 101-150 units - requires 4 amenities
  - d. 150-200 units - requires 5 amenities (for every 50 units above 200, an additional amenity shall be required).
3. **Parking.** A total of 2.25 parking spaces shall be required for each unit. One of the required spaces shall be covered parking, which can include a garage or a carport.
4. **Uncovered Parking.** The parking space shall have a minimum standard width of nine (9) feet and a length of nineteen (19) feet. Vehicles can hang over into landscape planters a maximum of two (2) feet reducing the minimum length of the parking space to a minimum of seventeen (17) feet.
5. **Parking lot landscaping and screening.** Shall comply with the provisions of Section 9.72.080.
6. **Covered Parking.** The garage or carport structure shall have a ten (10)-foot setback from the interior side and rear property lines and the overhang of a structure can encroach up to three (3) feet into a setback. If the structure is equipped with solar panels, the encroachment into the setback can be up to five (5) feet.
7. **Height.** The maximum height of a structure is limited to fifty (50) feet. Any portion of a building that exceeds thirty-five (35) feet in height, must be stepped back with a setback minimum of twenty (20) feet from any property line.
8. **Exterior Storage.** a minimum of 200 cubic feet of lockable storage space shall be provided and constructed of durable, weather resistant material. Exposed wood construction is not permitted. Exterior storage may be installed within the parking structure, immediately adjacent to the unit or other designated storage structure for a cumulative minimum of 200 cubic feet of private, lockable storage space.
9. **Trash Enclosures.** Shall not be located within a required setback and shall be screened from the public right-of-way. Trash enclosures shall be provided and comply with the minimum standards set forth in Sections 9.28.150, *Trash Enclosures*, and 9.31.050, *Multi-Family Architectural Design Standards*, of this Code. Trash enclosures shall be located at convenient distances from the buildings they serve and sited to minimize visual, odor and noise impacts to abutting properties.

10. **Mechanical Equipment.** Shall not be located within a required front or street side yard setback and shall be screened from the public right-of-way. Mechanical equipment shall have a minimum setback of five (5) feet from the interior side or rear property line.
11. **Laundry.** If laundry utilities are not provided in each unit, a community laundry facility shall be provided on site. The machine count shall be consistent with the standards of the Multi-housing Laundry Association.
12. **Entry Statements.** Development shall provide an entry statement in accordance with subsection 9.31.040.C. Entry Statements of this Code.
13. **Building Elevations.** Architectural design shall comply with Section 9.31.050 "Multi-Family Architectural Design Standards. Multiple two (2)-unit attached structures in a large project shall require a minimum of three (3) building elevations consisting of different colors and materials.
14. **Phasing.** A phasing plan shall be submitted and approved by the Community Development Director and Town Engineer. Amenities for the number of units for a constructed phase shall be required to be constructed and operational, prior to occupancy of that phase.
15. Bicycle racks shall be required.

**F. Maintenance and Completion of Open Space, Amenities, Landscaping and Manufactured Slopes for Non-Apartment Multi-family.** No lot or dwelling unit shall have a building or occupancy permit issued unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, or landscaping or slope maintenance (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to review and approval of the Town Attorney. No lot or dwelling unit shall have a building or occupancy permit issued unless all approved and required open space, amenities, landscaping or other improvements, or approved phase thereof, have been completed or if the Town Engineer determines that the health, safety and welfare of the occupants and the intent of this Code will be adequately safeguarded, he may allow issuance of a building or occupancy permit if said completion is assured by a financing guarantee method approved by the Town Engineer."

**Section 4.** Modify the following definitions in Chapter 9.08 "Definitions":

**"Amenity**

Aesthetic or other characteristics of a development that increase its desirability to the community or its marketability to the public. Amenities differ from development to development but may include recreational and nonrecreational facilities.

**Amenity, Recreational**

Amenities that provide opportunity for physical activity such as exercise, entertainment or athletic facilities. These could include, but are not limited to, recreation rooms, fitness centers, outdoor exercise equipment, swimming pools and spas, tennis courts, putting greens, playgrounds, splash pads, outdoor grill areas with shaded seating, dog park or community vegetable gardens.

**Amenity, Nonrecreational**

Amenities providing for passive enjoyment and/or convenience facilities. Convenience facilities may include but are not limited to, security systems, package lockers, bicycle lockers, in-unit washer and dryer, high speed internet, or electric car charging stations. Passive enjoyment amenities may include but are not limited to enhanced common open areas incorporating water features, fire pits (non-wood burning) or public art with shaded seating areas. Providing fifteen (15) percent of the project site as common usable open space shall count as a single non-recreational amenity."

**Duplex**

A property under single ownership containing one (1) structure consisting of two (2) living units."

**Dwelling, Multiple**

A single property containing more than two (2) attached dwelling units or a combination of two (2) or more detached single family dwelling units."

**Section 5.** Modify Table 9.28.040-A "Site Development Standards" to reflect the development standards within Section 9.29.070 as follows:

**Table 9.28.040-A Site D t Standard**

| <b>STANDARDS</b>  | <b>R-VLD</b>      | <b>R-A</b>            | <b>R-LD</b>           | <b>R-E</b>        | <b>R-E<sup>3</sup><sub>4</sub></b> | <b>R-EQ</b>            | <b>R-SF</b>            | <b>R-M</b>             | <b>MHP</b> | <b>M-U</b>       | <b>PRD<sup>1</sup></b> |
|---|-------------------|-----------------------|-----------------------|-------------------|------------------------------------|------------------------|------------------------|------------------------|------------|------------------|------------------------|
| 1. Minimum lot area <sup>(5, 17)</sup>  | 5 ac <sup>2</sup> | 2.5 ac <sup>(2)</sup> | 2.5 ac <sup>(2)</sup> | 1 ac <sup>2</sup> | 32,670 sf <sup>(3)</sup>           | 18,000 sf <sup>3</sup> | 18,000 sf <sup>3</sup> | 18,000 sf <sup>3</sup> | -          | 1 ac.            | PRO <sup>4</sup>       |
| 2. Minimum corner lot area  | 5 ac <sup>2</sup> | 2.5 ac <sup>(2)</sup> | 2.5 ac <sup>(2)</sup> | 1 ac <sup>2</sup> | 32,670 sf                          | 20,000 sf <sup>3</sup> | 20,000 sf <sup>3</sup> | 20,000 sf <sup>3</sup> | -          | 1 ac.            |                        |
| 3. Minimum lot width (ft)   | 200               | 150                   | 150                   | 125               | 125                                | 100                    | 100                    | 100                    | -          | 100              | PRO                    |
| 4. Minimum corner lot width (ft)  | 200               | 150                   | 150                   | 125               | 100                                | 115                    | 115                    | 115                    | -          | 115              | PRO                    |
| 5. Minimum lot depth (ft)   | 300               | 300                   | 300                   | 250               | 275                                | 150                    | 150                    | 150                    | -          | 100              | PRO                    |
| 6. Minimum corner lot depth (ft)  | 300               | 300                   | 300                   | 250               | 275                                | 150                    | 150                    | 150                    | -          | 150              | PRO                    |
| 7. Minimum site frontage (ft)   | 90                | 90                    | 90                    | 60                | 60                                 | 60                     | 60                     | 60                     | -          | 60               | PRO                    |
| 8. a. Minimum front setback (ft) <sup>(18)</sup><br>b. Average front setback (ft)                           | 50<br>N/A         | 50<br>N/A             | 50<br>N/A             | 45<br>50          | 30<br>35                           | 30<br>35               | 30<br>35               | 25(12)<br>25(12)       | 15<br>15   | 35/10(16)<br>N/A | 10(5)<br>PRO           |
| 9. Minimum rear setback <sup>(6, 18)</sup>  | 40                | 35                    | 35                    | 30                | 25                                 | 25                     | 25                     | 10                     | -          | 0                | 5                      |
| 10. a. Minimum side setback(ft) <sup>(7)</sup><br>(18)<br>b. Minimum street side setback <sup>(9, 11)</sup> | 25<br>45          | 25<br>45              | 25<br>45              | 20<br>40          | 15/10(8)<br>25                     | 15/10(8)<br>25         | 15/10(8)<br>25         | 10<br>15               | -<br>-     | 0<br>10          | 6<br>10                |
| 11. Animal keeping compatibility buffer <sup>10</sup> (ft)  | 25                | 25                    | 25                    | 25                | 25                                 | 25                     | N/A                    | N/A                    | N/A        | N/A              | PRO                    |
| 12. Height limitations <sup>(11)</sup> (ft)   | 35                | 35                    | 35                    | 35                | 35                                 | 35                     | 35                     | 35-50(13)              | 18         | 50               | 35                     |
| 13. Maximum lot coverage  | 25%               | 25%                   | 25%                   | 25%               | 30%                                | 30%                    | 40%                    | 70%(14)                | -          | 50%(14)          | 50%                    |
| 14. Minimum dwelling unit size (sq. ft.)  | 1,200             | 1,200                 | 1,200                 | 1,200             | 1,200                              | 1,200                  | 1,200                  | 500 to 1,100(12)       | -          | 500 to 1,100(12) | PRO                    |
| 15. Minimum landscape area  | N/A               | N/A                   | N/A                   | N/A               | N/A                                | N/A                    | N/A                    | N/A                    | -          | 10%              | 30%                    |
| 16. Minimum distance between primary structure and detached accessory structure (ft)                        | 6                 | 6                     | 6                     | 6                 | 6                                  | 6                      | 6                      | 10                     | -          | 0                | 6                      |

**Section 6.** Remove Footnote 19 as no longer applicable and modify Footnotes 12, 13, 14, and 18 to cross-reference the correct subsections, and removing development standards, as follows:

- "(12) See subsection 9.29.070.B. General Development Standards of this Code.
- (13) See subsections 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code.
- (14) See subsection 9.29.070.B.6 Lot Coverage, of this Code.
- (18) See Table 9.28.040.E and Section 9.28.040.B for permitted projections and exceptions to the required setbacks."

**Section 7.** Remove Table 9.28.040-8 "Summary of Site Development Standards for Residential Districts" and associated footnotes as duplicative.

**Section 8.** Modify Table 9.28.040-C "Site Development Standards for the Mountain Vista Neighborhood" for consistency with Section 9.29.070 "Multi-Family Housing Standards" as follows:

**"Table 9.28.040-C Site Development Standards for the Mountain Vista Neighborhood"**

| STANDARDS  | Single Family Development | Multi-Family Development   |
|--|---------------------------|----------------------------|
| 1. Minimum lot area  | 10,000 sr <sup>2.3</sup>  | 10,000 sf <sup>2.3</sup>   |
| 2. Minimum corner lot area   | 16,000 sr <sup>2</sup>    | 16,000 sr <sup>2</sup>     |
| 3. Minimum lot width (ft)  | 80                        | 80                         |
| 4. Minimum corner lot width (ft)   | 95                        | 95                         |
| 5. Minimum lot depth (ft)  | 125                       | 125                        |
| 6. Minimum corner lot depth (ft)   | 125                       | 125                        |
| 7. Minimum site frontage (ft)  | <b>40</b>                 | 40                         |
| 8. a. Minimum front setback (ft) <sup>(1)</sup>                                      | 25                        | 25(10)                     |
| b. Average front setback (ft)  | 30                        | 25(10)                     |
| 9. Minimum rear setback(4) <sup>(1)</sup>  | 20                        | 10                         |
| 10. a. Minimum side setback(ft) <sup>(5)(11)</sup>                                   | 15/10 <sup>(6)</sup>      | 10                         |
| b. Minimum street side setback <sup>11</sup> (ft)                                    | 20                        | 15                         |
| 11. Height limitations <sup>3</sup> (ft)   | 35                        | 35 - 50 <sup>8</sup>       |
| 12. Maximum lot coverage   | 40%                       | 70% <sup>9</sup>           |
| 13. Minimum dwelling unit size (sq. ft.)   | 1,000                     | 500 to 1,100 <sup>10</sup> |
| 14. Minimum landscape area   | N/A                       | N/A                        |
| 15. Minimum distance between primary structure and detached accessory structure (ft) | 6                         | 10                         |

**Section 9.** Modify the following Footnotes to Table 9.28.040-C to reflect the correct subsection cross-reference removing development standards as applicable.

"(8) See subsection 9.29.070.C.9, 9.29.070.D.9 and 9.29.070.E.7 of this Code.

(9) See subsection 9.29.070.8.6 Lot Coverage, of this Code."

(10) See Subsection 9.29.070.B General Development Standards, of this Code."

**Section 10.** Remove Table 9.28.040-D "Summary of Site Development Standards for Mountain Vista Neighborhood" and associated footnotes as duplicative.

**Section 11.** For consistency with the changes to Section 9.29.070, modify Section 9.31.040(C), Paragraph 1 as follows:

**"1. Entry Statement Standards.** Entry statements shall include vehicular and pedestrian entry level statements which shall be consistent with the following:"

**Section 12.** For consistency with the changes to Section 9.29.070, modify Section 9.31.040(F)(2)(a), as follows:

**"2. Parking Area Landscaping**

- a. Unless otherwise required by Section 9.29.070, at least one (1) landscape or shade tree shall be provided for every seven (7) spaces of open parking areas."

**Section 13.** For consistency with the changes to Section 9.29.070, modify paragraph 5 of Section 9.31.040(F) On-Site Parking as follows:

**"5. Parking within the Front Yard Building Setback.** Parking located within the required front yard shall be completely screened from the street by either a landscaped hedge or a decorative, architectural screen wall, integrated into the architecture of the building by use of similar materials or accent treatments."

**Section 14.** For consistency with the changes to Section 9.29.070, modify Section 9.31.040(1) "Landscaped Areas" Paragraph 2 as follows:

**"2.** All areas not covered by structures, drives, parking or hardscape shall be landscaped in accordance with Chapter 9.75, *Water Conservation/ Landscape Regulations*."

**Section 15.** For consistency with the changes to Section 9.29.070, modify Section A of Table 9.72.020-A "Required Parking Spaces" as follows:

**Table 9.72.020-A Required Parking Spaces**

| <b>Type of Use</b>  | <b>Parking Spaces Required<sup>1</sup></b>   |
|---|--|
| <b>A. Residential</b> (for Senior Citizen developments refer to 9.72.040.C) |  |
| 1. Single family detached and duplex  | car enclosed garage per unit. Said garage shall have a minimum clear gross floor area of twenty (20) feet by twenty (20) feet free of any obstructions including mechanical equipment. |
| 2. Bed and breakfast  | space per room available for rent, in addition to those required for the primary residence   |
| 3. Multi-family and single family attached                                  |  |
| a. Small Projects (2-8 units)   | A two (2) car garage, plus 1 uncovered guest space per unit.   |
| b. Medium Projects (9-15 Units)   | 1 covered and 1.5 uncovered space per unit.  |
| c. Large Projects (16 units or greater)                                     | 1 covered and 1.25 uncovered space per unit.   |
| 3. Mobile home parks  | 2 covered spaces per site. Parking may be in tandem. In addition, provide guest parking of 1 space per 4 sites.  |
| 4. Boarding houses, dormitories and similar uses                            | 1 space per sleeping room or 1 space per bed, whichever is greater   |

**Section 16.** For consistency with the changes to Section 9.29.070, modify Section 9.72.040(A) as follows:

**"A. Location.** Parking spaces within the Multi-Family Residential (R-M) District, shall comply with the provisions of Section 9.29.070 "Multi-Family Housing Standards". Parking shall be setback a minimum of fifteen (15) feet from the front or street side property lines. Parking shall be screened from the public rights-of-way with a minimum ten (10)-foot wide landscaped buffer. This buffer shall be landscaped, using berms or short three (3)-foot wall(s) to reduce the visual impact of the parked vehicles. Off-street parking spaces shall be located on the same lot or parcel on which the dwelling is located and as further modified below.

When a garage is specifically required, or provided to meet required parking, entry doors shall be maintained in an operable condition at all times, and no structural alteration or obstruction shall be permitted within the required parking area which would reduce the number of required parking spaces. Use of garages shall be limited to vehicular and general storage purposes only and shall not conflict with any applicable building, housing or fire codes."

**Section 17.** For clarity regarding the processing requirements for a multi-family project, modify the Abbreviations found in Chapter 9.28.030 "Permitted Uses" by adding an abbreviation for Development Permit as follows:

**"ABBREVIATIONS"**

R-VLD Very Low Density Residential

R-A Residential Agriculture

R-LD Low Density Residential

R-E Estate Residential

R-E  $\frac{3}{4}$  Estate Residential  $\frac{3}{4}$

R-EQ Equestrian Residential

R-SF Single Family Residential

R-M Multi-Family Residential

MHP Mobile Home Park

M-U Mixed Use

PRO Planned Residential Development

The uses listed in Table 9.28.030-A shall be allowed in the Residential districts as indicated in the column beneath each district and as defined below.

DP: Subject to Development Permit process, Department review

SUP: Subject to Special Use Permit process, Department review

CUP: Subject to Conditional Use Permit process, Planning Commission review.

P: Permitted Uses.

" ". Denotes those uses that are prohibited.

The Conditional and Special Use Permit and processes are detailed in Chapter 9.16 and the Development Permit process is detailed in Chapter 9.17 of this Code. The uses listed in Table 9.28.030-A below apply to applications for expansion, tenant improvements, change of occupancy or new development."

**Section 18.** For clarity regarding the processing requirements for a multi-family project, modify Paragraph 13 of Section A. "Residential Uses" of Table 9.28.030-A "Permitted Uses" by adding the Development Permit requirement to the Table as follows:

**Table 9.28.030-A Permitted Uses**

| TYPE OF USE                |                      | R-VLD | R-A | R-LD | R-E | R-E <sup>3/4</sup> | R-EQ | R-SF | R-M    | MHP | M-U    | PRD <sup>2</sup> |
|----------------------------|----------------------|-------|-----|------|-----|--------------------|------|------|--------|-----|--------|------------------|
| <b>A. Residential Uses</b> |                      |       |     |      |     |                    |      |      |        |     |        |                  |
| 13                         | Multi-family housing |       |     |      |     |                    |      |      |        |     |        |                  |
|                            | 1-15 units           | -     | -   | -    | -   | -                  | -    | -    | DP     | -   | DP     | p                |
|                            | 16-50 units          | -     | -   | -    | -   | -                  | -    | -    | DP & 3 | -   | DP & 3 | DP & 3           |
|                            | 51 and above         | -     | -   | -    | -   | -                  | -    | -    | CUP    | -   | CUP    | CUP              |

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

**Section 19.** 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 20.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

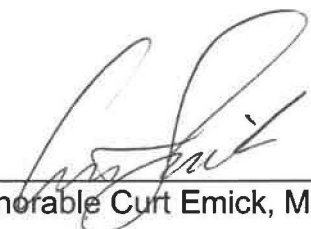
**Section 21.** Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

**Approved and Adopted** by the Town Council of the Town of Apple Valley this 23rd day of March 2021.

ATTEST:



Ms. ba-V ond'a M. Pearson, Town Clerk

  
Honorable Curt Emick, Mayor

Approved as to form:

Approved as to content:

  
Mr. Thomas Rice, Town Attorney  
Mr. Douglas B. Robertson, Town Manager

**STATE OF CALIFORNIA**

**COUNTY OF SAN BERNARDINO**

**TOWN OF APPLE VALLEY**

I, LA VONDA M-PEARSON, TOWN CLERK of the Town of Apple Valley, California, hereby certify that the foregoing Ordinance No. 544 was duly introduced on March 23, 2021 and adopted at the Town Council adjourned meeting on March 23, 2021, by the following vote:

AYES: Council Members, Bishop, Cusack, Nassif, Mayor Pro Tern Leon, Mayor Emick.

NOES: None.

ABSENT: None.

ABSTAIN: None.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 23<sup>th</sup> day of March, 2021.

LA VONDA M-PEARSON, CMC  
TOWN CLERK



by:

Hannah Raleigh, Deputy Clerk

**STATE OF CALIFORNIA**

**COUNTY OF SAN BERNARDINO**

**TOWN OF APPLE VALLEY**

I, La Vonda M-Pearson, Town Clerk of the Town of Apple Valley, California, do hereby certify that the attached Ordinance No. 544 was adopted on March 23, 2021 by the Town Council of the Town of Apple Valley and has been published in a newspaper of general circulation, published and circulated in the Town in a manner permitted under Section 36933 of the Government Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Apple Valley, California, this 23th day of March, 2021.

LA VONDA M-PEARSON, CMC  
TOWN CLERK



Hannah Raleigh, Deputy Clerk