



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council    **Date:** December 10, 2013

**From:** Pam Cupp  
Associate Planner  
Planning Department

**Item No:** 3

**Subject:** ADOPT ORDINANCE NO. 454 - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, REVISING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SUBSECTION "B" OF TABLE 9.28.030-A "PERMITTED USES" WITHIN SECTION 9.28, "RESIDENTIAL DISTRICTS" AS IT RELATES TO PERMITTED USES WITHIN RESIDENTIAL DISTRICTS THAT REQUIRE ANIMAL KEEPING PERMITS IN THE TOWN OF APPLE VALLEY

**T.M. Approval:** \_\_\_\_\_

**Budgeted Item:**  Yes  No  N/A

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### **RECOMMENDED ACTION:**

That the Town Council adopt Ordinance No. 454.

### **SUMMARY:**

At its November 12, 2013 meeting, the Town Council reviewed and introduced Ordinance No. 454, amending Subsection "B" Of Table 9.28.030-A "Permitted Uses" within Section 9.28, "Residential Districts" as it relates to permitted animal uses within Residential Districts that require Animal Keeping Permits in The Town of Apple Valley.

### **FISCAL IMPACT:**

Not Applicable.

### **ATTACHMENT:**

Ordinance No. 454

**ORDINANCE NO. 454**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REVISING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING TABLE 9.28.030-A "PERMITTED USES" AS IT RELATES TO PERMITTED USES WITHIN RESIDENTIAL DISTRICTS THAT REQUIRE ANIMAL KEEPING PERMITS IN THE TOWN OF APPLE VALLEY.**

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1. Recitals**

(i) 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

(ii) 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

(iii) specific changes are proposed to Subsection "B" of Table 9.28.030-A "Permitted Uses" within Section 9.28 "Residential Districts", as it relates to the use of Animal Keeping Permits within the Town of Apple Valley; and

(iv) On November 1, 2013, Development Code Amendment No. 2013-002 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) 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

(vi) On May 15, 2013, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2013-002, inviting testimony from the public and adopted Planning Commission Resolution No. 2013-04 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2013-002 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.

**Section 2. Findings**

(i) Find that the changes proposed by Development Code Amendment No. 2013-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), 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 may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

**Section 3.** Amend Subsection "B" of Table 9.28.030-A "Permitted Uses" within Section 9.28 "Residential Districts", of the Town of Apple Valley Development Code to read as follows:

**"Table 9.28.030-A Permitted Uses**

TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
<b>B. Agricultural and Animal Uses</b>											
1. 4-H or FFA animal raising and/or keeping <sup>13</sup>	P	P	P	P	P	P	P	-	-	-	SUP
2. All types of horticulture <sup>4</sup>	P	P	P	P	P	P	P	-	-	-	CUP
3. Keeping of bee hives	1 hive per 13500 sf	1 hive per 13500 sf	1 hive per 13500 sf	-	-	-	-	-	-	-	-
4. Equestrian Stables, commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
5. Equestrian Stables, private	P	P	P	P	P	P	-	-	-	-	-
6. Horses and other equine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	-	-	-	-	P
7. Farm cattle and other bovine	1 per 9000 sf	1 per 9000 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	-
8. Llamas and alpaca	1 per 4500 sf	1 per 4500 sf	1 per 9000 sf	1 per lot	1 per lot	1 per lot	-	-	-	-	P
9. Sheep, goats and other ovine	1 per 3000 sf	1 per 3000 sf	1 per 4500 sf	2 per lot	2 per lot	2 per lot	-	-	-	-	P
10. Dogs and cats as follows: Up to 1 dog or 1 cat Up to 4 dogs <sup>6, 7, 12</sup> Up to 4 cats <sup>7, 12</sup>	P P P	P P P	P P P	P P P	P P P	P P P	P P P	P <sup>5</sup> - - -	P <sup>5</sup> - - -	P <sup>5</sup> - - -	- P -
11. Small domestic animals kept as household pets	P	P	P	P	P	P	P	P	P	P	P
12. Exotic Animals	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
13. Exotic Birds	SUP	SUP	SUP 2 max	SUP 2 max	SUP 2 max	SUP 2 max	-	-	-	-	P
14. Poultry and other fowl <sup>8</sup>	P	P	1 per 1800 sf	5 max + 1 male	5 max + 1 male	5 max + 1 male	5 max + 1 male	-	-	-	P
15. Racing and/or Homing Pigeons <sup>11</sup>	P	P	P	P	P	P	P	-	-	-	-

16. Ostriches, emus, rheas, kivis or other ratite	1 per 9000 sf	1 per 3000 sf	1 per 9000 sf	-	-	-	-	-	-	-	-
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TYPE OF USE	R-VLD	R-A	R-LD	R-E	R-E ¾	R-EQ	R-SF	R-M	MHP	M-U	PRD <sup>2</sup>
17. Pigs or other swine	P	P	1 per 9000 sf	1 per lot	-	-	-	-	-	-	-
18. Rabbits	P	P	1 per 1800 sf	Total of 6	Total of 6	Total of 6	Total of 6	-	-	-	P
19. Kennels, non-commercial <sup>13</sup>	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-
20. Sale of agricultural products	P	P	P	-	-	-	-	-	-	-	P

1. CUP: Conditional Use Permit  
P: Permitted Uses  
SUP: Special Use Permit  
(-): Denotes uses are prohibited
2. Uses permitted in a PRD development shall be consistent with the approved PRD. Uses not prescribed by an approved PRD shall be prohibited.
3. Requires Planning Commission approval of a Development Permit.
4. These uses are permitted subject to compliance with the provisions of Chapter 9.19, Home Occupation Permits, of this Code.
5. Keeping of two (2) pets consisting of one (1) dog or one (1) cat, or any combination thereof and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered. Pot belly pigs are not permitted.
6. Female or neutered male pot belly pigs (not to exceed four {4}) are permitted in accordance with Section 9.29.030 of the Apple Valley Municipal Code.
7. Excess of four (4), not to exceed a combined total of eight (8) dogs and cats and support to feral cat colonies consisting of one (1) or more feral cats, requires an Animal Keeping Permit and that all animals be spayed or neutered.
8. Except peafowl are permitted only in R-A.
9. Requires a Home Occupation Permit.
10. Only permitted when located within 1/8 mile of the affiliated school.
11. Homing and/or racing pigeons are permitted subject to compliance with the provisions of Section 9.29.030 "Animal Keeping and Agricultural Uses in Residential Districts" of this Code.
12. Single-Family Residences within the R-M Zoning District shall be subject to the same maximum number of dogs and cats as a single-family residence within the R-SF Zoning.
13. Use requires an Animal Keeping Permit."

**Section 5.** Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 6.** 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 7.** Effective Date. The Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 8.** 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 the Ordinance are declared to be severable.

**APPROVED** and **ADOPTED** by the Town Council and signed by the Mayor and attested by the Town Clerk this 10<sup>th</sup> day of December, 2013.

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Mayor

**ATTEST:**

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La Vonda M-Pearson, Town Clerk

**APPROVED AS TO FORM:**

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John Brown, Town Attorney

**APPROVED AS TO CONTENT:**

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Frank Robinson, Town Manager