



## Town Council Agenda Report

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Date: March 26, 2019 Item No. 5

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 504 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 "SPECIFIC USE REGULATIONS" AS IT PERTAINS TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Associate Planner  
Planning Department

Budgeted Item:  Yes  No  N/A

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### **RECOMMENDED ACTION: Adopt Ordinance No. 504**

#### **SUMMARY:**

At its March 12, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 504 which amends the Development Code by modifying provisions relating to accessory dwelling units and other accessory structures. As a part of the requirements to adopt any new ordinance, Ordinance No. 504 has been scheduled for adoption at the March 26, 2019 Town Council Meeting.

**Attachments:**  
Ordinance 502

**ORDINANCE NO. 504**

**AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 “SPECIFIC USE REGULATIONS” AS IT PERTAINS TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS.**

**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**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Chapter 9.29 “Specific Use Regulations” as it pertains to accessory structures and accessory dwelling units; and

**WHEREAS**, on February 6, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-003, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-003 forwarding a recommendation to the Council; and

**WHEREAS**, Development Code Amendment No. 2019-003 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 March 12, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Development Code Amendment No. 2019-003, receiving testimony from the public.

**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. 2019-003 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. 2019-003 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

**Section 3.** Amend Chapter 9.29.020 “Accessory Uses and Structures” as follows:

**“C. Size**

1. The cumulative total of square footage of accessory structures, combined with all other applicable structure footprints, shall not exceed the maximum lot coverage standard for the zoning district in which it is located.
2. On residential lots less than two and one-half (2-1/2) acres in size, any single accessory structure shall not exceed seventy-five (75) percent of the total area under roof of the primary structure. The total of all accessory structures on a site shall not exceed 100 percent of the total area under roof of the primary structure.”

**Section 4.** Amend Chapter 9.29.120 “Accessory Dwelling Units” as follows:

**“E. Detached Accessory Dwelling Units**

Along with the general standards prescribed by subsection C, the following development standards apply to detached accessory dwelling units:

1. Detached accessory dwelling units are subject to all provision within Section 9.29.020 “Accessory Uses and Structures”.
2. For lots less than two and one-half (2-1/2) acres in size, the accessory dwelling unit shall be located to the rear of the primary dwelling unit; the maximum habitable floor area shall be fifty (50) percent of the total area under roof of the primary dwelling, except that lots of one (1) acre or more in size may be permitted a larger accessory dwelling unit with the approval of a Minor Development Permit.
3. For lots two and one-half (2-1/2) acres or more in size, the maximum habitable floor area of an accessory dwelling unit shall be based upon lot coverage, not based upon the size of the primary dwelling unit.
4. An accessory dwelling unit may occupy all, or a portion, of an existing detached accessory structure meeting the architectural guidelines set forth in this chapter.
5. Sewer connection is required unless the lot is one (1)-acre or more in size and located outside of any sewer service area
6. The driveway serving the primary dwelling shall be used to serve the accessory dwelling unit whenever feasible.

7. The accessory dwelling unit may be metered separately from the main dwelling for gas, electricity and water/sewer services.
8. The accessory dwelling unit shall be located upon a permanent foundation and architecturally compatible with the main dwelling which could include the use of similar colors, materials and architectural style of the primary dwelling unit.
9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.”

**Section 7.** 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 8.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 9.** 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.

Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 26<sup>th</sup> day of March 2019.

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Honorable Larry Cusack, Mayor

ATTEST:

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Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. Thomas Rice, Town Attorney

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Mr. Douglas B. Robertson, Town Manager