



SPECIAL PLANNING COMMISSION WORK SESSION

1777 N Meadowlark Dr, Apple Valley
Tuesday, November 15, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Tuesday, November 15, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chairman | Allen Angell

Commissioners | Lee Fralish | Margaret Ososki | Richard Palmer | Garth Hood

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/88384322084>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 883 8432 2084

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

DISCUSSION ITEMS

- [1.](#) Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2022-42.
- [2.](#) Update Title 10.28.270 Guesthouses Or Casitas, Ordinance-O-2022-36.

ADJOURNMENT

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Effective 5/28/2021

10-9a-534 Regulation of building design elements prohibited -- Exceptions.

- (1) As used in this section, "building design element" means:
- (a) exterior color;
 - (b) type or style of exterior cladding material;
 - (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - (d) exterior nonstructural architectural ornamentation;
 - (e) location, design, placement, or architectural styling of a window or door;
 - (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - (g) number or type of rooms;
 - (h) interior layout of a room;
 - (i) minimum square footage over 1,000 square feet, not including a garage;
 - (j) rear yard landscaping requirements;
 - (k) minimum building dimensions; or
 - (l) a requirement to install front yard fencing.
- (2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one to two family dwelling.
- (3) Subsection (2) does not apply to:
- (a) a dwelling located within an area designated as a historic district in:
 - (i) the National Register of Historic Places;
 - (ii) the state register as defined in Section 9-8-402; or
 - (iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021;
 - (b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
 - (c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
 - (d) building design elements agreed to under a development agreement;
 - (e) a dwelling located within an area that:
 - (i) is zoned primarily for residential use; and
 - (ii) was substantially developed before calendar year 1950;
 - (f) an ordinance enacted to implement water efficient landscaping in a rear yard;
 - (g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
 - (i) defects in the material of existing cladding; or
 - (ii) consistent defects in the installation of existing cladding; or
 - (h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
 - (i) the municipality to apply to the owner's property; and
 - (ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district.

Enacted by Chapter 3, 2021 Special Session 1

**APPLE VALLEY
ORDINANCE O-2022-42**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.28.230 Accessory Buildings And Accessory Uses General Requirements” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 - b. See also AVLU 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVLU 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.

- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
- J. Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;
 - 1. Shipping Container is defined as an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH). Also commonly referred to as Intermodal Freight Containers, Conex Boxes, ISO Container or Sea Cans.
 - 2. Shipping Containers may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;
 - a. Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.
 - b. Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.
 - c. Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.
 - d. Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.
 - 3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
 - 4. Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.
 - 5. All Shipping Containers must be permitted prior to delivery.
 - a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
 - b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
 - 6. No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.
- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit.
- N. No accessory building shall be located closer than three feet (3') to any side or rear

property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.

- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVL 10.10.050 B.

AFTER AMENDMENT

10.28.230 Accessory Buildings And Accessory Uses General Requirements

- A. Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.
- B. Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.
- C. An accessory garage may be attached to, or detached from, the primary building.
 - 1. An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
 - a. All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply
 - b. See also AVL 10.28.240.
- D. An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.
 - 1. All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
 - 2. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
 - 3. See also AVL 10.28.240.
- E. Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.
- F. Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.
- G. Agricultural use accessory buildings, including barns and stables, shall be constructed of serviceable building materials.
- H. Accessory buildings shall comply with the requirements of the adopted building code, as applicable.
- I. No mobile home, ~~travel trailer~~, boat or similar recreational vehicle shall be used as an accessory building. Travel trailers and RV's may be used if all hookups (water, sewer, electricity) are available.

J. Containers may be used as accessory buildings to a primary residential structure subject to the following requirements;

1. Shipping Container is defined as a standardized reusable fully enclosed unit often constructed of corrugated steel, usually rectangle in shape, manufactured for the purpose of intermodal transporting of goods and materials by rail, road, air or sea. ~~an enclosed steel box container with strength suitable to withstand shipment, storage and handling. Containers are 20'x8'x8'6"-9'6" or 40'x8'x8'6"-9'6" (LxWxH).~~ Also commonly referred to as Intermodal Freight Containers, Conex Boxes, cargo container, ISO Container or Sea Cans. The following shall apply to shipping containers:

a. Shipping containers that have transported goods to a site may be used for the temporary storage of such transported goods as an accessory use to a legally established primary use in the I-1 (Industrial) zone and C-1, C-2, C-3 and PDC (Commercial) zones subject to the following conditions:

(1) The location of the temporary storage area shall be noted on the site plan establishing the primary use of the site. If there is not a site plan for an existing use, then a site plan shall be submitted for approval as outlined in each of the applicable zones.

(2) The temporary storage area shall be screened from view from any public right of way and residential development.

(3) Shipping containers shall not be stacked.

(4) Shipping containers shall not be converted into permanent structures or use for permanent storage without first receiving conditional use approval and a building permit.

2. Shipping Containers used for storage in OST, OS, Agricultural and all Residential zones shall be subject to the following requirements ~~may be used as accessory buildings to a primary residential structure subject to the following acreage limitations;~~

a. ~~Lots under two acres are allowed one shipping container not to exceed twenty feet (20') in length.~~ Shipping containers shall not be stacked.

b. ~~Lots two or more acres and less than five acres are allowed either one (1) forty foot (40') container or two (2) twenty-foot (20') containers.~~ Shipping containers are an accessory building and must comply with the applicable setbacks and all other requirements of this ordinance and applicable town and building code for an accessory building.

c. ~~Lots over five acres but less than twenty acres are allowed sixty feet (60') in total linear length of shipping containers.~~ The temporary storage area shall be screened from view from any public right of way.

d. ~~Lots twenty acres and larger are allowed one hundred sixty feet (160') in total linear length of shipping containers.~~ The exterior of the shipping container shall be maintained and structurally intact.

- e. No more than one (1) shipping container shall be allowed on a residential lot one (1) acre in size or less. Two (2) shipping containers shall be allowed on residential lots greater than one (1) acre in size and up to five (5) acres in size. Residential lots five (5) acres in size or larger shall not have more than five (5) containers.
- 3. Shipping containers shall be located in side or rear yard, are subject to all property setbacks and shall not be located within ten feet (10') of any primary structure or other accessory building or shipping container.
- 4. ~~Within one (1) month of delivery, all shipping containers must be painted to either match the primary residential structure or one of the following earth tones; hunter green, brown, beige, tan, gray, copper, earth red or white. Container lettering, names and numbering, must not be visible on the exterior of the structure.~~ Shipping containers shall be painted one solid, muted color that blends with the surrounding vegetation, natural topography or structures.
- 5. Shipping containers shall not display advertising, company logos, names or other markings painted on, or otherwise attached to the exterior of the shipping container.
- 6. All Shipping Containers must be permitted prior to delivery.
 - a. Container installed without utilities require submission of a site plan to include the location of the container, the setbacks to other buildings and property lines, and the color plan.
 - b. If utilities will be connected, the standard building permit process must be followed and building permit fees paid. The container will be subject to inspections prior to completion.
- 7. ~~No more than two (2) shipping containers may be used for storage of construction materials for the duration of a building permit for a residential structure. Said container(s) shall be removed prior to issuance of the Certificate of Occupancy.~~ Shipping containers used for storage during construction shall be subject to the following requirements:
 - a. Shipping containers may be used in all land use zones for temporary storage of construction related materials on a building site for which an active building permit or excavation permit exists.
 - b. Shipping containers must be removed within fourteen (14) days upon final inspection of permit, or comply with the accessory building requirements of this and all other applicable town and building codes.
- 8. The storage of hazardous material is prohibited.
- 9. Modification of shipping containers to create a residential dwelling or commercial structure is permitted subject to all applicable town land use code and adopted building codes.
- 10. Modified shipping containers may be approved as a temporary structure or enclosure in a PD (Planned Development) project.
- 11. The use of box truck cargo container, van body, semi-truck trailer, bus body, camper or RV are not permitted as an accessory structure, shed or storage.
- 12. Shipping containers established as a temporary structure prior to the adoption

of this code are not exempt from the screening requirement and must be permitted and brought into compliance with this ordinance.

13. Shipping containers may not be used as the base to a truss-based roofing structure.

- K. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings. Unless required by code.
- L. No accessory buildings shall be ~~rented, leased or~~ sold separately from the ~~rental, lease or~~ sale of the primary building.
- M. No accessory building shall be used as a permanent dwelling unit without conforming with AVLU 10.28.270.
- N. No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.
- O. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
- P. Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of AVLU 10.10.050 ~~BE~~.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-36**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.28.270 Guesthouses Or Casitas” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
- B. Maximum Number: A maximum of one guesthouse or casita may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.
- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as a guesthouse or casita.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse or casita shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses or casitas shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses or casitas shall provide a minimum of one off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall be limited to one story,

with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas.

- K. Occupancy Without Compensation: Guesthouses or casitas shall only be provided for the occupancy of family members of the owner of the primary dwelling, or guests of the owner, without compensation.
- L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may live in the guesthouse or casita, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.
- M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.
- N. Permits Required:
 - 1. The use application approval for a guesthouse or casita shall be received before a building permit is issued.
 - 2. The commission is authorized to approve an application for a guesthouse or casita that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.
- O. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

AFTER AMENDMENT

10.28.270 Guesthouses Or Casitas

The purpose and intent of requirements for allowing detached guesthouses or casitas is to provide additional housing opportunity for family members and visiting guests of the owners of the primary dwelling.

- A. Authorized: Guesthouses or casitas may be authorized, provided all requirements of this title, all other land use ordinances and the building code are met.
- B. Maximum Number: A maximum of one guesthouse, ~~or~~ casita, or travel trailers and RV's with all hookups may be ~~established~~ permitted on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

- C. Permanent Structure: A guesthouse or casita shall be a permanent structure on the lot. No mobile homes, ~~travel trailers, or~~ boats ~~or similar recreational vehicles~~ shall be used as a guesthouse or casita. Travel trailers and RV's may be used if all hookups (water, sewer, electricity) are available.
- D. Single-Family Dwelling; Lot: The lot proposed for a guesthouse, ~~or~~ casita, travel trailer or RV shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow a guesthouse or casita.
- E. Square Footage: The square footage of a guesthouse or casita shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or eight hundred (800) square feet, whichever is smaller. The minimum size of a guesthouse or casita shall be three hundred (300) square feet.
- F. Setbacks: All guesthouses, ~~or~~ casitas, travel trailers, or RV's shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks.
- G. Parking: All guesthouses, ~~or~~ casitas, travel trailers and RV's shall provide a minimum of one extra off street parking space.
- H. Construction: The construction of all guesthouses or casitas shall meet all requirements of the adopted building code.
- I. Style, Materials, Colors: The architectural style, building materials and colors of all guesthouses or casitas shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.
- J. Height and Size Restrictions: All guesthouses or casitas shall ~~be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event not~~ exceeding the height of the existing dwelling. The city/town council may approve a special exception to the height and size restrictions for guesthouses and casitas.
- K. Occupancy With or Without Compensation: Guesthouses ~~or~~ casitas, travel trailers and RV's shall may only be provided for the occupancy of family members of the owner of the primary dwelling, or others ~~guests of the owner, with or~~ without compensation.
- L. Owner May Occupy: The owner, renter or lessee of the primary dwelling may shall live in the main house, guesthouse or casita, ~~but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation.~~
- ~~M. Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita.~~
- N. Permits Required:
1. The use application approval for a guesthouse, ~~or~~ casita, travel trailer or RV shall be received before a building permit is issued.

2. The commission is authorized to approve an application for a guesthouse, ~~or~~ casita, travel trailer or RV that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

~~Ø. Legalizing Existing Guesthouses and Casitas: Owners of guesthouses or casitas existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal guesthouses or casitas existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.~~

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley