



PLANNING COMMISSION - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, December 07, 2022 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Planning Commission of the Town of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, December 07, 2022 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Zone Change for AV-2194-D and AV-2194-B | Approx: 1 N. Cinder Hill Road from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. Applicant: Hidden Rock Development Group.
2. Update Title 11.12 Standards, Ordinance-O-2022-60.
3. Update Title 10.10.040 I Industrial Zone, Ordinance-O-2022-63.
4. Adopt Title 10.10.130 Institutional Zone, Ordinance-O-2022-64.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town Website www.applevalleyut.gov on the 23rd day of November, 2022.

Dated this 23rd day of November, 2022

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

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.



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Fee: \$1,100.00 + Acreage Fee
1 – 100 Acres: \$25.00/Acre
101 – 500 Acres: \$15.00/Acre
501 + Acres: \$ 5.00/Acre

Item 1.

Zone Change Application

Applications Must Be Submitted A Minimum of 21 Days in Advance of The Planning Commission Meeting

Owner: Hidden Rock Development Group		Phone: [REDACTED]	
Address: [REDACTED]		Email: [REDACTED]	
City: [REDACTED]	State: [REDACTED]	Zip: [REDACTED]	
Agent: (If Applicable)		Phone:	
Address/Location of Property:		Parcel ID: AV-2194-D + AV-2194-B	
Existing Zone: OST		Proposed Zone: C-3	
For Planned Development Purposes: Acreage in Parcel ~101		Acreage in Application ~101	
Reason for the request Commercial development to match neighboring C-3 parcels			

Submittal Requirements: The zone change application shall provide the following:

- ☒ A. The name and address of owners in addition to above owner.
- ☒ B. An accurate property map showing the existing and proposed zoning classifications
- ☒ C. All abutting properties showing present zoning classifications
- ☒ D. An accurate legal description of the property to be rezoned
- ☒ E. A letter from power, sewer and water providers, addressing the feasibility and their requirements to serve the project.
- ☒ F. Stamped envelopes with the names and address of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- ☒ G. Warranty deed or preliminary title report and other document (see attached Affidavit) if applicable showing evidence the applicant has control of the property
- ☒ H. Signed and notarized Acknowledgement of Water Supply (see attached).

Official Use Only	Amount Paid: \$ 2614.50 + 3% fee	Receipt No: 42119
Date Received: 11/7/22	Date Application Deemed Complete:	
By: [Signature]	By:	

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change, the following factors shall be considered by the Planning Commission and Town Council:

1. Whether the proposed amendment is consistent with the Goals, Objectives and Policies of the Town's General Plan;
2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
3. The extent to which the proposed amendment may adversely affect adjacent property; and
4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to roadways, parks and recreation facilities, fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the Town Council for approval, approval with modifications, or denial of the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the Town Council will consider and act on the Commission's recommendation. The action of the Town Council is final. If denied, a similar application generally cannot be heard for a year.



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Parcel ID# _____

Item 1.

ACKNOWLEDGEMENT OF WATER SUPPLY

I/We, Hidden Rock Development Group am/are the applicant(s) of the application known as
AV-2194-D + AV-2194-B located on parcel(s)
_____ within the Town of Apple Valley, Washington County, Utah.

By my/our signatures(s) below, I/we do hereby acknowledge and agree to the following:

1. Approval of a development application by the Town does not guarantee that sufficient water will be available to serve the zone, project, or permit for which this application is being submitted; and
2. Prior to receiving final approval for the application, and/or any building permit, the applicant may be required by the Town of Apple Valley to provide a guarantee of water service through a "Will Serve" letter from the Big Plains Water and Sewer Special Service District ("District") which verifies that there is a sufficient water supply and guarantee of water for the application or proof that another guaranteed source of water is available to the applicant; and
3. For any application which may be approved without the "Will Serve" letter from the District, the applicant assumes the entire risk of water availability for the project and/or application.

Signature(s):

Anish Bhatia

Name

Applicant/Owner

11/7/22

Date

Dallin Jolley

Name

Applicant/Owner

11.7.22

Date

Name

Applicant/Owner

Date

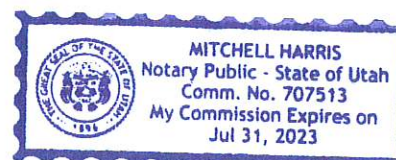
State of Utah)
County of Washington)§

On this 7th day of November, in the year 2022, before me, Mitchell Harris a notary public, personally appeared Anish Bhatia & Dallin Jolley, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

(notary signature)

(seal)



Applicant - Hidden Rock Development Group

Dallin Jolley
Managing Partner
1834 East Sage Hollow Drive
Draper, Utah 84020

Anish Bhatia
Managing Partner
100 Norfolk St. Apt 6B
New York, NY 10002

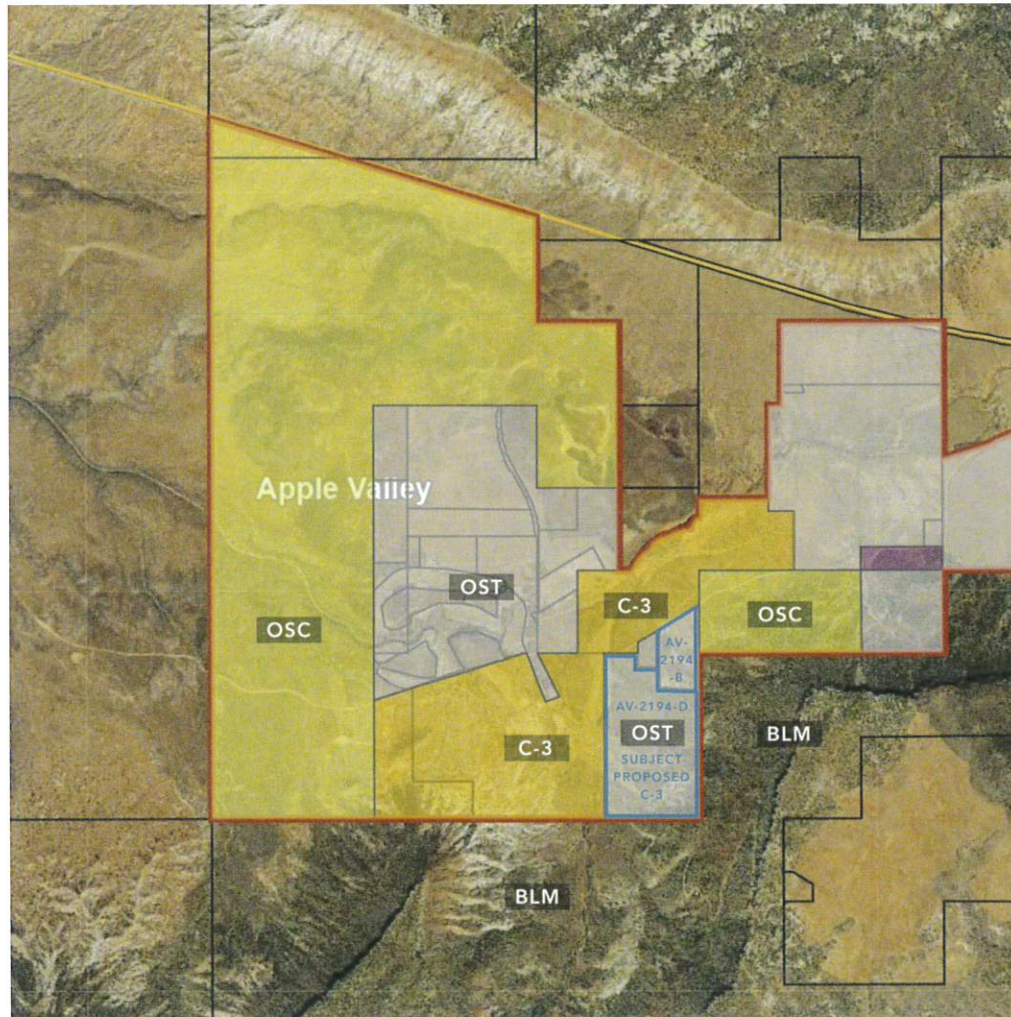
Current Owner –

AV-2194-D

A&E Development LLC
ELLEND LABARON
2975 N 7500 W
Abraham, UT 84635

AV-2194-B

HALL LARON W & LINDA W
120 W 975 N
Hurricane, UT 84737-1735

Property Map with Existing, Proposed and Abutting Properties Zoning Classification

**Subject property outlined in blue*

Accurate Legal Description

Parcel Number: AV-2194-D

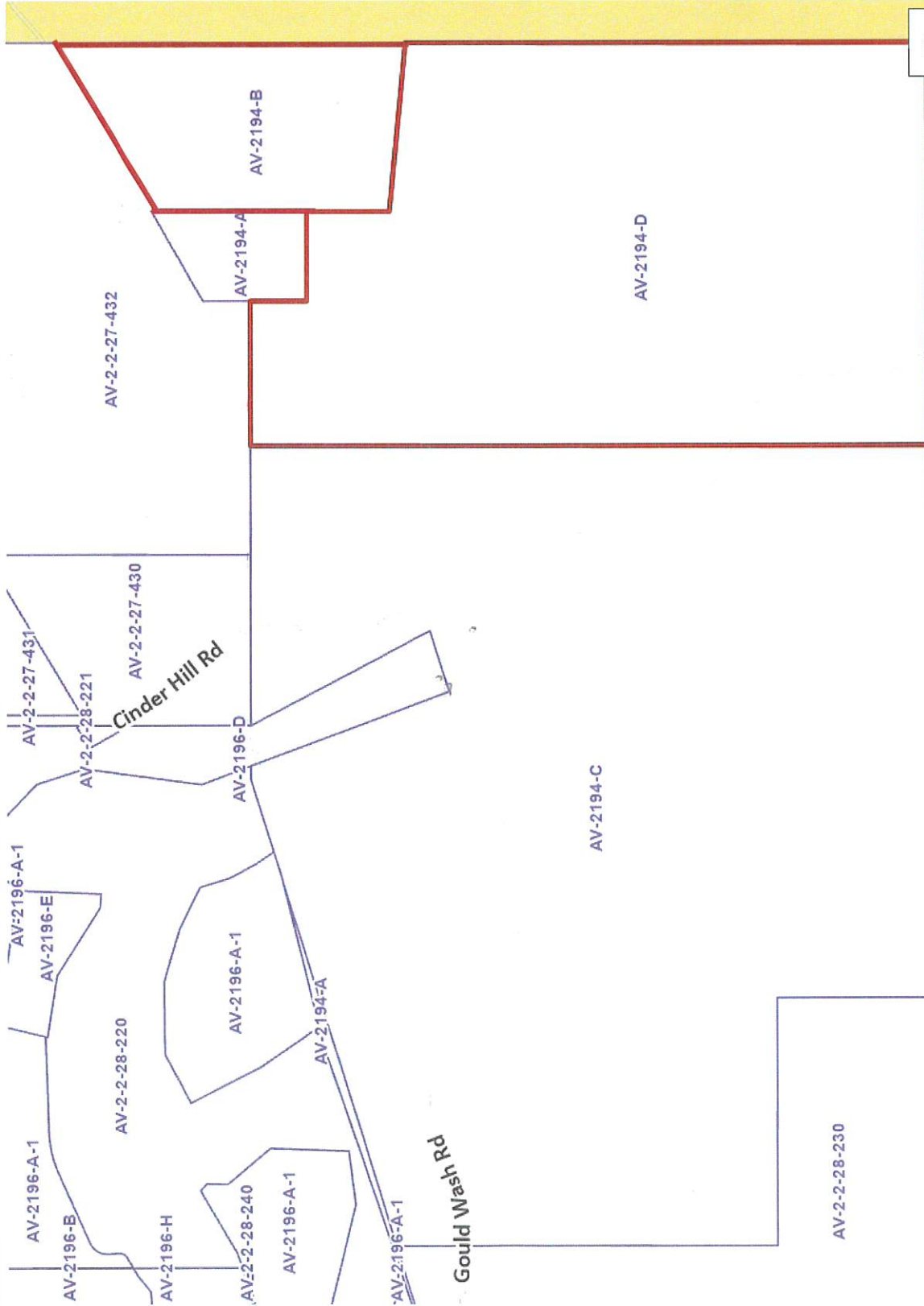
Legal: S: 27 T: 42S R: 12W BEG AT PT N89°53'25" E ALG S SEC/L 1080.46 FT FM SW COR SEC 27, T42S, R12W; TH N0°04'17" W 2638.65 FT TO PT ON C/S/L; TH N89°54'58" E ALG SD C/S/L 559.35 FT TO PT ON PARCEL DESC IN DOC #20070025178, TH ALG SD PARCEL FOL (2) CRSES: S0°03'58" E 218.34 FT; TH N89°53'25" E 346.55 FT TO PT ON PARCEL DESC IN INSTR #917739; TH ALG SD PARCEL FOL (2) CRSES: S0°03'58" E 321.36 FT; TH S84°32'14" E 655.48 FT TO C/S/L; TH S0°03'39" E ALG SD C/S/L 2035.05 FT TO S1/4 COR OF SD SEC 27; TH S89°53'25" W ALG S SEC/L 1557.90 FT TO POB.

Parcel Number: AV-2194-B

Legal: S: 27 T: 42S R: 12W BEG SW COR SEC 27 T42S R12W TH N89°56'17E 2639.07 FT; TH N0°01'06W 2035 FT TO POB; TH N84°29'22W 656 FT; TH N0°01'06W 908.32 FT; TH N59°01'33E 761.40 FT; TH S0°01'06E 1363.17 FT TO POB



AV-2194-D + AV-2194-B



Legend



Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wildlife
- National Park Service
- Shiwiwi Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

Notes

Item 1.

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

1,504.7 0 752.33 1,504.7 Feet

984_Web_Mercator_Auxiliary_Sphere

AFFIDAVIT
PROPERTY OWNER
AV-2194-D

STATE OF UTAH)

)S

COUNTY OF WASHINGTON)

I (We) A+E Development Eland S. LeBaron Manager, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature] Manager
Property Owner

Property Owner

Subscribed and sworn to me this 25 day of July, 2022.



Laura Joy Santos
Notary Public

Residing in: Millard Co

My Commission Expires: 7/31/23

AGENT AUTHORIZATION

I (We), A+E Development + Eland S. LeBaron Manager, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Hidden Rock Development Group to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature] Manager
Property Owner

Property Owner

Subscribed and sworn to me this 21 day of November, 2022.



Laura Joy Santos
Notary Public

Residing in: Millard Co

My Commission Expires: 7/31/2023

**AFFIDAVIT
PROPERTY OWNER
AV-2194-B**

STATE OF UTAH

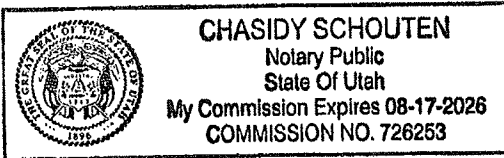
COUNTY OF WASHINGTON

I (We) [Signature], being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

[Signature]
Property Owner

Property Owner

Subscribed and sworn to me this 2 day of November, 2022.



Chasidy Schouten
Notary Public

Residing in: Hurricane, Utah

My Commission Expires: 08-17-2026

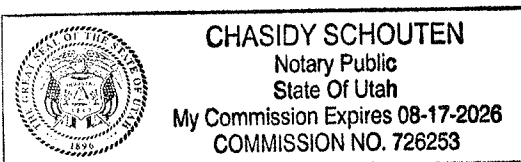
AGENT AUTHORIZATION

I (We), Laron Hall, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Hidden Rock Development Group to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]
Property Owner

Property Owner

Subscribed and sworn to me this 11th day of November, 2022.



Chasidy Schouten
Notary Public

Residing in: Hurricane UT

My Commission Expires: 08-17-2026



Let's turn the answers on.

Dixie Service Center
Estimating Dept.
455 N. Old Hwy 91
Hurricane, UT 84737
Fax # (435)688-8351

October 18, 2022

Dallin Jolley
1 N. Cinder Hill Road
Apple Valley, UT 84737

Re: Oculita Roca Development

Located: Parcel #AV-2194-D

Dear Dallin Jolley:

After reviewing the proposed plans for the above mentioned project, I have determined that power is available within a near proximity. Rocky Mountain Power intends to serve the project with electrical service based on load requirements and specifications submitted. All electrical installations will be provided in accordance with the "Electric Service Regulations, as filed with the Utah Public Service Commission after receiving an approved plat showing easements approved by Rocky Mountain Power.

For additional consultation in this matter, please do not hesitate to call.

Sincerely,

Ruston Jenson
Estimator
Dixie Service Center
435-688-3708



1777 N. Meadowlark Dr, Apple Valley, Utah 84737
Phone: 435-877-1194 Fax: 435-877-1192
www.applevalleyut.gov

Chairman Andy McGinnis
Board Member Frank Lindhardt
Board Member Harold Merritt
Board Member Ross Gregerson
Board Member Jerry Zaharias

Item 1.

Preliminary Water Letter
For
Hidden Rock Development Group LLC
Anish Bhatia and Dallin Jolley

This letter is provided as a preliminary look at the needs of your proposed development and provides options as well as potential requirements for your project.

1. Option to connect to district water main at N Apple Valley Dr. next to the Gooseberry Lodges.
2. Option to build a tank and infrastructure designed to meet not only culinary, irrigation, but also fire suppression for your entire development.
3. State and Local permits for well drilling.
4. Municipal/Culinary water rights deeded to the District.
5. Easements as required for water infrastructure and District access.
6. Upon completion of the water system by the Developer and approval of the District's designated engineer and Water Superintendent, said water system will be deeded to the District.

The above is not an all-encompassing list, but a preliminary one and may expand as your development progresses.

The District provides this letter for the purpose of a zone change and it is NOT a Will Serve Letter.

Andy McGinnis
Chairman
Big Plains SSD



Ash Creek Special Service District

Item 1.

1350 S. Sand Hollow Road
Hurricane, UT 84737
Office: (435) 635-2348 Fax: (435) 635-8550
ashcreek@infowest.com

October 24, 2022

Apple Valley
Kyle Layton
1777 North Meadowlark Drive
Apple Valley, UT 84737

RE: Parcel AV-2194-D

Kyle,

Ash Creek SSD takes no exception to the proposed zone change for parcel AV-2194-D. In lieu of a Will Serve, this letter communicates Ash Creek SSD's requirements.

After reviewing the conceptual site plan for parcel AV-2194-D, it appears the land will be used as a resort style property with no subdivision of the property creating individual lots for sale. Based on the proposed land use, a Body Politic agreement with Ash Creek SSD should not be needed. Wastewater treatment will be permitted through the state. The next step for the owner/developer will be to contact the Utah Division of Water Quality to work through the permitting process. This information has been provided to the owner/developer.

The owner/developer understand and agree that they will need to get plan approval for the sewer and treatment systems. After approval, they agree to pay all costs associated with construction of sewer and treatment systems and impact fees.

Please let us know if you have any questions.

Sincerely,

Amber Gillette, P.E.
Engineer
Ash Creek Special Service District



GEOTECHNICAL TESTING SERVICES, INC.
735 East Tabernacle, St. George, UT, 84770
(435) 628-9536 admin@gtsstg.com

Item 1.

October 18, 2022

Mr. Anish Bhatia



Subject: Soil Classification and Septic Feasibility
Parcel AV-2194-D
Apple Valley, Utah
GTS Project Number: 12925

Dear Mr. Bhatia:

As requested, we are providing you with the soil classification for the above noted project. It appears that the soils are sufficient for the installation of an onsite wastewater system; however, this letter should be provided to the Southwest Utah Public Health Department for their approval. Soil classification in accordance with Utah Administrative Code Section R317-4-13 was performed by us and reported herein.

In order to investigate the subsurface soils for this study, five, 5.75 to 9.5-foot deep test pits were excavated across the subdivision as shown on Figure 1. The subsurface soils encountered in the test pits consisted of granular, fine sandy loam to the maximum depth of exploration, 9.5 feet, which was the extent of the digging equipment. Groundwater was not encountered in the test pits during our investigation and there was no evidence of a historic ground water table within the depth of the test pits.

Considering soil classification and using values from Section R317-4-13, Table 6, a soil absorption rate (SAR) of 0.5 gallons/square foot/day can be used for sizing the absorption area. Please refer to the attached Soil Exploration Results.

Thank you for allowing us to provide these services for you. Please call our office at (435) 628-9536 if there are any questions regarding this project.

Very Truly Yours,
GEOTECHNICAL TESTING SERVICES, INC.

CHRISTOPHER D. VOLKSEN, P.E.
President

SOIL EXPLORATION RESULTS

Information Required for Determining Soil Suitability
for Individual Wastewater Disposal Systems

NAME: Parcel AV-2194-D
LOCATION OF Gould Wash Road
PROPERTY: Apple Valley, Utah

Statement of soil conditions obtained from soil exploration to a depth of 9.5 feet. In the event that absorption systems will be deeper than 5.5 feet, further soil explorations must be performed extending to a depth of at least 4.0 feet below the bottom of the proposed absorption field, seepage trench, seepage pit, or absorption bed. A descriptive log of the exploration is given below:

TEST PIT 1 (See Figure 1 for the location of the test pit)
0 - 5.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
5.0 - 5.75 Sandy Loam, granular, fine sand, reddish brown, cobbles (SAR= 0.50 gal/sqft/day)
5.75 Sandstone Bedrock
5.75 END OF THE TEST PIT - Refusal

TEST PIT 2 (See Figure 1 for the location of the test pit)
0 - 4.25 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
4.25 - 7.0 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
7.0 - 8.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
8.5 Sandstone Bedrock
8.5 END OF THE TEST PIT - Refusal

TEST PIT 3 (See Figure 1 for the location of the test pit)
0 - 3.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
3.5 - 4.5 Sandy Loam, granular, fine sand, reddish brown, cobbles (SAR= 0.50 gal/sqft/day)
4.5 - 5.5 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
5.5 - 9.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
9.5 END OF THE TEST PIT - Extent of Equipment

TEST PIT 4 (See Figure 1 for the location of the test pit)
0 - 4.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
4.0 - 6.0 Sandy Loam, granular, fine sand, reddish brown, calcareous (SAR= 0.50 gal/sqft/day)
6.0 - 9.5 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
9.5 END OF THE TEST PIT - Extent of Equipment

TEST PIT 5 (See Figure 1 for the location of the test pit)
0 - 8.0 Sandy Loam, granular, fine sand, reddish brown (SAR= 0.50 gal/sqft/day)
8.0 Sandstone Bedrock
8.0 END OF THE TEST PIT - Refusal

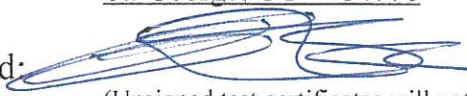
Date soil exploration(s) conducted: August 24, 2022

Statement of present and maximum anticipated groundwater table throughout the property and area of the proposed absorption system: Not encountered or anticipated

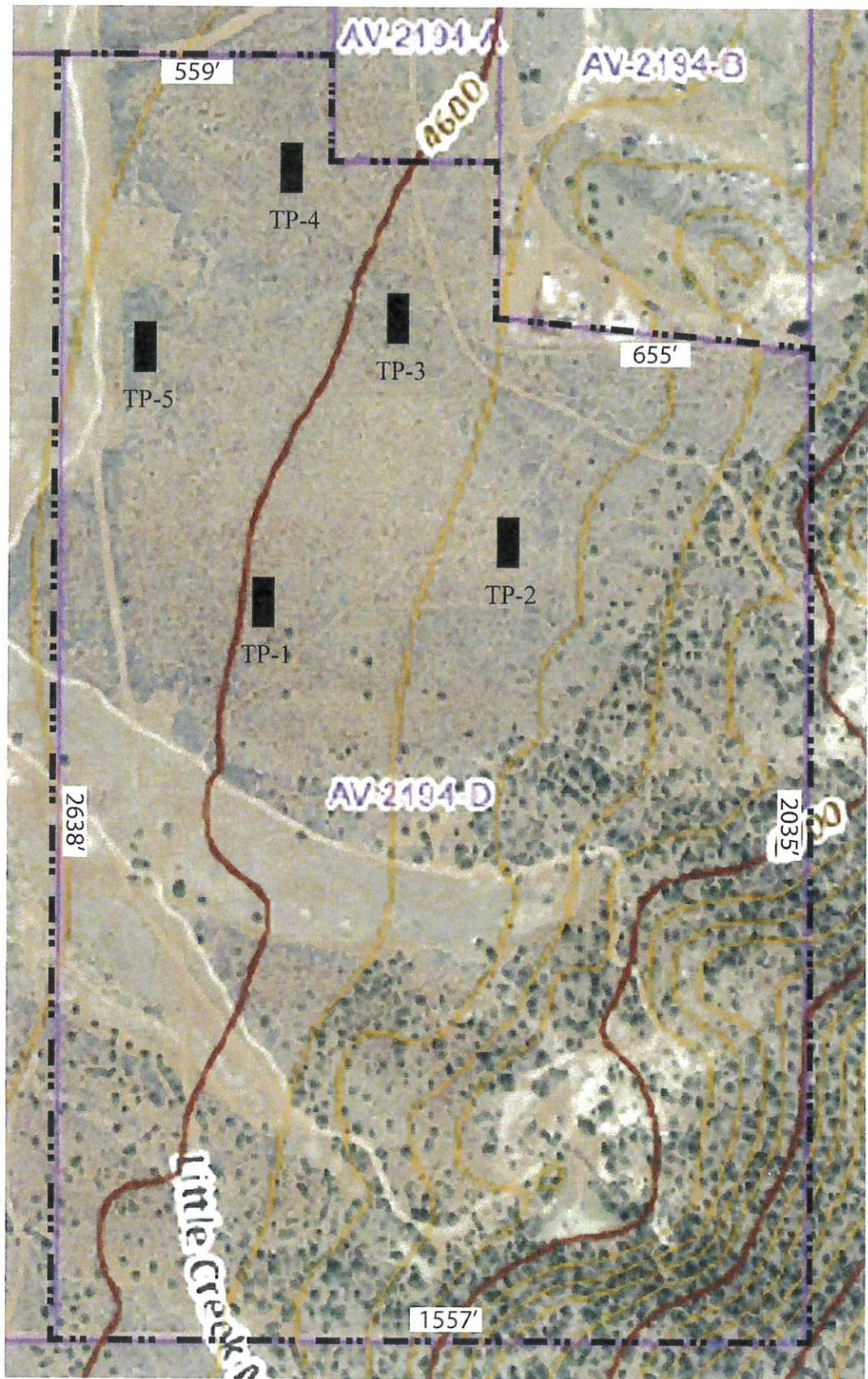
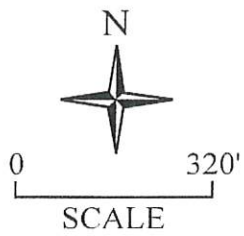
Date groundwater table determined: August 24, 2022

I hereby certify to the best of my knowledge, the forgoing information is correct.

Name: Carson Gardner
Address: 735 East Tabernacle
St. George, UT 84770

Signed: 
(Unsigned test certificates will not be accepted)

Date: 10-18-22



Engineering

Consulting

Testing

SITE PLAN

Client: Anish Bhatia
 Project: Parcel AV-2194-D
 Location: Gould Wash Road - Apple Valley, UT
 Number: 12925

D

C

B

A



Architectural Site Plan

LEGEND			
SYMBOL	TYPE	MATERIAL	SIZE
	ROAD	CONCRETE	12'
	PATH	SOIL CEMENT	8'
	TRAIL	DIRT	6'

UNIT SCHEDULE			
SYMBOL	TYPE	GENERAL DESCRIPTION	QTY
	1 BED	20' X 25' SINGLE UNIT	38
	2 BED	20' X 25' 2 BED UNIT	4
	3 BED	36' X 70' THREE BED UNIT	2
	AMMENITIES	AS NEEDED	8
	BACK OF HOUSE	50' X 50' BUILDING	1
	CHECK IN	20' X 25' SINGLE UNIT	1
	SHED	20' X 25' SINGLE UNIT	1
	STAFF HOUSING	20' X 25' SINGLE UNIT	5



HIKKO DESIGN
1250 LONGBEACH AVE #119
LOS ANGELES, CA 90021
P 801.674.6182
dallin@hikkodesign.com

PRELIMINARY
NOT FOR CONSTRUCTION

APPLE VALLEY SITE
APPLE VALLEY
APPLE VALLEY, UTAH 84737
SCHEMATIC

#	REVISIONS DESCRIPTION	DATE

PROJECT #: 22026
CHKD BY:
DRAWN BY: GARY ACTON
ISSUE DATE: XXXX/XXX/XXX

ARCHITECTURAL
SITE PLAN

AS.1



November 9, 2022

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST
Parcel Numbers: AV-2194-D and AV-2194-B
Approx: 1 N. Cinder Hill Road, Apple Valley UT, 84737

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of commercial development to match neighboring C-3 parcels. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link:

[https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.030_C Commercial Zones](https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.030_C_Commmercial_Zones)

The hearing will be held **Wednesday, December 7, 2022 at 6:00 PM** MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

Jenna Vizcardo
Town Clerk

TAX ID AV-2194-D					
AV-2-2-27-432					
AV-2194-A					
AV-2194-D					
AV-2-2-27-430					
AV-2194-B					
AV-2194-C					

TAX ID AV-2194-B					
AV-2-2-27-432					
AV-2194-A					
AV-2194-D					
AV-2194-B					

**APPLE VALLEY
ORDINANCE O-2022-60**

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

SECTION 1: **AMENDMENT** “11.12 Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12 Standards (Non-existent)

AFTER AMENDMENT

11.12 Standards

SECTION 2: **AMENDMENT** “11.12.010 Departmental Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.010 Departmental Standards (Non-existent)

AFTER AMENDMENT

11.12.010 Departmental Standards

Standards for design, construction specifications, and inspection of street improvements, curbs, gutters, sidewalks, storm drainage, flood control facilities, ~~water systems~~ and fire protection systems shall be prepared by the town engineer in accordance with the Town ~~of Apple Valley's~~ Design Standards and Specifications; standards for water distribution ~~and sewage disposal facilities~~ by Big Plains Water ~~and Sewer~~ Special Service District ~~with the assistance from the Utah State Department of Environmental quality and Southwest Utah Public Health Department;~~ standards for sewage disposal facilities by Ash Creek Special Service District.

SECTION 3: **AMENDMENT** “11.12.030 Fire Flow And Line Size Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.030 Fire Flow And Line Size Standards (Non-existent)

AFTER AMENDMENT

11.12.030 Fire Flow And Line Size Standards

The subdivision shall be improved in accordance with the Design Standards, rules and regulations, adopted by the town. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~ the following:

- A. All fire flow and line size standards shall conform to the international fire code.
- B. In all cases, the water source, water storage and water delivery system shall be engineered and installed to provide the required fire flow during times of peak water usage as if all development within the proposed subdivision were complete, and as may be required by formulas adopted by the state board of environmental quality in connection with the state's approval system. Verification will be at the developer's expense and certified by a licensed engineer.
- C. Water distribution lines in all subdivisions shall be a minimum of eight (8) inches in diameter. The water lines shall be larger if needed to provide for the required fire flow.
- D. Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than one block out of service during repairs, subject to a maximum of one thousand (1,000) feet.
- E. Previously approved subdivisions
 - 1. All new water storage, new water lines and new fire hydrants that are installed to develop a new phase of a previously approved subdivision shall conform to the current requirements.
 - 2. Any water lines that are intended to be used as future feeder lines to platted phases of a previously approved subdivision shall be engineered and installed to provide adequate fire flow to the anticipated phase in accordance with the current flow standards.
- F. Fire Hydrants specifications:
 - 1. All fire hydrants shall have one 4.5 inch and two (2) 2.5 inch outlets with NH threads.
 - 2. A six-inch (6) inch gate valve shall be installed on each fire hydrant to be shut off in case of damage or need of repairs. This gate valve shall be accessible by standard square key from the street or ground level.
 - 3. All fire hydrants shall be properly thrust blocked with poured in place concrete against undisturbed or compacted soil. Rocks and other materials are not acceptable as thrust blocking. Banding and other forms of mechanical restraint may be used only if approved by the Town Council.
 - 4. All hydrants shall be five (5) feet from the back of the curb or borrow ditch. In all cases hydrants shall have a five (5) foot elliptical radius of unobstructed clearance to adjacent obstacles.
 - 5. The lowest hydrant water outlet shall not be less than eighteen (18) inches nor more than thirty (30) inches above the final ground level.

G. Fire hydrant spacing and location:

1. Fire hydrant spacing and location shall be as defined in the international fire code, but not to exceed two hundred and fifty feet (250) from any subdivided lot.
2. Fire hydrants shall be installed on dedicated easements or public right-of-ways and hydrants will be owned and maintained by the town.
3. Dead end streets should be avoided in the water system. If they cannot be avoided, a hydrant or flushing valve shall be installed at the end of each such dead end street.

SECTION 4: **AMENDMENT** “11.12.040 Protection Strips” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.040 Protection Strips

Where subdivision street parallels contiguous property of other private property owners, the sub divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

AFTER AMENDMENT

11.12.040 Protection Strips Generally

Where subdivision street parallels contiguous property of other private property owners, the sub-divider may upon approval of the land use authority, retain protection strip no less than one foot in width between the street and adjacent property, provided, that an agreement, approved by the town attorney, has been made by the sub-divider, contracting to deed to the then owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of the one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the town attorney to the land use authority prior to approval of the final plat and recording. Protection strip shall not be permitted at the end of any public street or proposed street.

SECTION 5: **AMENDMENT** “11.12.020 Design Standards” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.12.020 Design Standards

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (see Town Subdivision Design Standards):

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be

made to this requirement where considerations for solar orientation are involved.

- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic.
- N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:
 - 1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
 - 2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
 - 3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
 - 4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
 - 5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
 - 6. No more than five (5) flag lots may be served by one staff portion of said lot.
 - 7. The land use authority shall specifically approve each flag lot.
 - 8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

AFTER AMENDMENT

11.12.020 Design Standards Generally

The design of the preliminary and final plat of a subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be improved in accordance with the Design Standards, rules and regulations adopted by the Town Council. Such plans and profiles shall include but are not limited to (See Town Design Standards and Specifications) ~~(see Town Subdivision Design Standards)~~:

- A. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards herein after required, or a private street if approved by the Town Council. Private streets and gated communities shall be permitted only as specifically recommended by the planning commission and approved by the Town Council. Land designated as public right of way shall be separate and distinct from lots adjoining such right of ways and shall not be included in the area of such lots.
- C. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permits shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewage or driveway grades, or other physical conditions except where such lots are suitable and dedicated for a common open space, private utility, or public purpose as determined by the planning commission.
- D. The side lines to all lots, so far as possible, shall be right angles to each street on which the lot faces or approximately radial to the center of curvatures. Exceptions may be made to this requirement where considerations for solar orientation are involved.
- E. Corner lots for residential use shall be planned wider than interior lots to permit conformance with the required front setback requirements of both streets.
- F. A city boundary line shall not divide a lot; each boundary line shall be made on a lot line.
- G. Lot numbers shall begin with the number #1 and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used.
- H. Except as specifically authorized by this chapter, not more than one dwelling unit shall occupy any one lot.
- I. No area needed to meet the minimum width, yard area, parking, or other requirements of this chapter for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- J. No portion of a lot may be cut off from another portion of a lot that has been created through a subdivision action.
- K. Blocks shall not exceed approximately eight hundred (800) feet in length.
- L. Blocks shall be wide enough to adequately accommodate two tiers of lots, unless the Land Use Authority, because of topography, approves a modification or other unusual conditions as provided for by this Code.
- M. Access from Major Arterial and Collector Streets. Lots shall not derive access exclusively from a major arterial. Access shall be limited on collector streets except where approved by the Town Council. In such cases driveways should be designed

and arranged so as to avoid requiring vehicles to back into traffic.

N. After determination by the commission that standard lots are not feasible, the commission may, in order to encourage more efficient use of land, allow flag lots to be developed subject to the following conditions:

1. The property cannot be subdivided with Public Street and standard size lots, either at the present or in the future.
2. The staff portion of said lot shall front a dedicated public or private street. The minimum width of the staff portion of the lot shall be 25 feet.
3. No building or construction, except for driveways, shall be allowed on the staff portion of said lot.
4. The front side of the flag lot shall be deemed to be the side nearest the dedicated public or private street up on which the staff portion front.
5. All lot size and set back requirements shall be the same as may be required the zone in which the lot is located.
6. No more than five (5) flag lots may be served by one staff portion of said lot.
7. The land use authority shall specifically approve each flag lot.
8. The twenty five (25) foot access easement shall be improved with an all-weather surface to allow access to emergency vehicles.

SECTION 6: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: 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 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from December 14, 2022.

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-2022-63**

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

SECTION 1: **AMENDMENT** “10.10.040 I Industrial Zone” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
 - 1. Recycling businesses, not including hazardous materials.
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 - 1. Concrete batch plants.
 - 2. Gravel crushing equipment.
 - 3. Gravel pits.
 - 4. Hot mix asphalt plants.
 - 5. Landfill operations.
 - 6. Metal Building.
 - 7. Mining or ore processing operations.
 - 8. Open space or agricultural uses.
 - 9. Sewage lagoons and/or treatment plants.
 - 10. Storage, baling, and processing of wood, glass, paper, and junk.
- D. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.
- E. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
- b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate

water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.

7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
9. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVL 11 shall also be excluded from this zone.

AFTER AMENDMENT

10.10.040 I Industrial Zone

- A. Purpose: The objective in establishing the I-1 zone is to provide space for various types of land uses whose effects, both secondary and direct, are not compatible with uses found in other zones in the town. Any uses not specified as permitted shall be prohibited.
- B. Permitted Uses: Uses permitted in this zone are as follows:
 1. ~~Recycling businesses, not including hazardous materials.~~ None
- C. Conditional Uses: Uses requiring a conditional use permit in this zone are as follows:
 1. Recycling businesses, not including hazardous materials
 2. Concrete batch plants.
 3. Gravel crushing equipment.
 4. Gravel pits.
 5. Hot mix asphalt plants.
 6. Landfill operations.
 7. Metal Building.
 8. Mining or ore processing operations.
 9. Open space or agricultural uses.
 10. Sewage lagoons and/or treatment plants.
 11. Storage, baling, and processing of wood, glass, paper, and junk.
- D. Any use not shown in this section shall be prohibited unless the planning commission determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-180-E4 of this title.

E. Site Development Standards:

Minimum Lot Area	0.75 acre
Setbacks (in feet)	
Front	25
Side	25
Rear	25
Minimum Zone Area	30 acres

1. Site Plan Approval:

- a. A site plan shall be submitted, drawn to scale, and of sufficient size and detail to show building locations, yard setbacks, ingress and egress drives, parking areas, landscaped areas, etc., and such other improvements as may be required by the planning commission relating to the specific use proposed.
- b. The site plan, or another plan drawn to scale, shall show utility locations, including water, power, telephone, cable TV, sewer or septic tank locations, fire hydrants, street improvements, site drainage, including holding ponds for runoff, and such other public improvements as may be required.
- c. Planning commission review and approval shall precede the issuance of any building permit for site improvements, or construction permits for utility system installation.

F. Special Provisions:

1. Storage of Materials and Merchandise: All storage and merchandise shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Junk: Storage of "junk" or partially or completely dismantled automobiles shall be enclosed within a sight obscuring wall or fence of not less than six feet (6') in height, and material so stored shall be kept below the height of the fence or wall.
3. Solid Waste Storage Facilities: Solid waste storage facilities shall be located at the rear of the main building or else behind a sight obscuring fence or wall which will prevent the facility from being seen from a public street.
4. Parking: Parking shall be as required by AVL 10.16 or an addendum thereto.
5. Lighting: Lighting shall be as required by AVL 10.26 or other applicable requirements.
6. Utilities and Fire Protection: All developments shall be served by a source of culinary water, sewer or septic tank, as may be approved by the southwest

district public health department, electrical power from a power company whose area of service covers the proposed business site location, and adequate water for fire protection as required by the subdivision ordinance. Where utility companies are involved in providing these services, a letter shall be submitted from each such company along with the site plan required in this chapter.

7. Hours of Operation: The planning commission may establish hours of operation in order to eliminate excess noise, lighting or other nuisances.
8. Greater size and height: Notwithstanding the height and size limitations shown in this section, a greater building and accessory height and size may be allowed pursuant to a conditional use permit.
9. Permitted and conditional uses set forth in this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.
 - a. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this title.
 - b. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
10. Manufacturing Zone Uses Excluded: All uses specifically excluded from the town under AVLU 11 shall also be excluded from this zone.

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 December 14, 2022.

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-2022-64**

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

SECTION 1: ADOPTION “10.10.130 Institutional Zone” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.10.130 Institutional Zone (Non-existent)

AFTER ADOPTION

10.10.130 Institutional Zone(*Added*)

- A. Purpose: The purpose of this zone is to provide for the development of public structures and uses and accommodate institutional development in a scale that integrates sensitively with surrounding residential neighborhoods, which includes uses of a public, nonprofit, or charitable nature generally providing local service on-site to local people.
- B. Permitted Uses
 - 1. Government buildings
 - 2. Cemeteries
 - 3. Churches and other buildings for the purpose of religious worship
 - 4. Convalescent homes, nursing homes, and homes for the aged
 - 5. Convents, seminaries and retreat centers
 - 6. Libraries
 - 7. Lodging, hospitality and care for the infirmed, disadvantaged, handicapped or abused (children, youth and adults)
 - 8. Museums and art galleries
 - 9. Nursery schools and day care centers
 - 10. Orphanages
 - 11. Police and fire stations
 - 12. Publicly owned and/or operated parks, playgrounds, community recreation centers and swimming pools
 - 13. Schools, elementary and secondary (grades K-12) and continuing education adult enrichment centers
 - 14. Summer camps
- C. Accessory Uses
 - 1. Customary accessory buildings and uses
 - 2. Fences and walls (AVLU 10.36)

3. Signs (AVLU 10.22)
4. Uses provided in conjunction with a permitted or conditional use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted or conditional use

D. Conditional Uses

1. Hospitals, clinics and health maintenance organizations
2. Colleges, universities, vocational, trade schools or other specialized educational facilities
3. Educational and medical related research facilities

E. Area and Height Regulations for Permitted and Conditional Uses

1. Minimum Lot Area - one (1) acre
2. Front Yard Setback - One hundred fifty (150) feet, only where the property abuts an arterial or collector street
3. Setback from any Adjacent Residential Zone - One hundred (100) feet
4. Internal Setbacks - Fifty (50) feet unless otherwise approved in accordance with a Site Plan as provided for in Subsection F(4) of this section
5. Maximum Height - Five (5) stories
6. In the case of this zone, more than one principal building as defined herein, may be permitted on one lot

F. Other Development Controls

1. Off-street parking and loading and/or unloading facilities shall be provided in accordance with AVL 10.16.
2. No outdoor storage of any material (usable or waste) except firewood neatly stacked, shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which is not in accordance with AVL 10.26.
4. No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel in the Institutional Zone until a Site Plan Layout has been submitted and approved . Where development is proposed on a parcel of land that is a part of a larger tract of land which is under one ownership, the developer shall also be required to submit a plan for the entire property under said ownership, unless specifically waived by the town, in accordance with the plan requirement. Said plan shall show how the proposed development will be developed as an integral part of the much larger tract, including the coordination of land use and circulation (vehicular and pedestrian) with adjacent tracts of land.
5. A minimum of 20% of the total acreage of each site for a permitted use shall be set aside for open space use, exclusive of streets, parking areas, and buildings.

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 December 14, 2022.

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