

**APPLE VALLEY  
ORDINANCE O-2020-25**

**AN ORDINANCE CREATING THE TOURIST COMMERCIAL ZONE**

**WHEREAS**, on May 13, 2020 the Planning Commission of the Town of Apple Valley held a public hearing to consider comments on updates to 10.10.030 C Commercial Zones; and,

**WHEREAS**, the Planning Commission has recommended proposed amendments to the Town Council; and,

**WHEREAS**, the Town Council has reviewed the Planning Commission's recommendation and has determined that these ordinances are in the best interest of the health, safety, and welfare of the citizens of the Town of Apple Valley; and,

**WHEREAS**, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed, and held on the 20th day of May, 2020, and upon motion duly made and seconded;

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

**SECTION 1:****AMENDMENT** “10.10.030 C Commercial Zones” of the Apple Valley Land Use is hereby *amended* as follows:

**A M E N D M E N T**

10.10.030 C Commercial Zones

A. Purpose:

1. C-1 Convenience Commercial Zone:

- a. The C-1 convenience commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the town, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, personal services such as hair cutting and hair dressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone.
- b. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained as much as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:

- (1) Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles, unless otherwise permitted.
- (2) No entertainment except music shall be permitted in any C-1 zone.
- (3) All uses must be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.

2. C-2 Highway Commercial Zone:

- a. The principal objective in establishing the C-2 highway commercial zone is to provide areas within the town where facilities that serve the traveling public can be most appropriately located.
- b. Other purposes for establishing the C-2 highway commercial zone are to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of intersections and interchanges in the town and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public. In general, this zone is located close to freeway interchanges and at the intersections of important transportation routes.

3. C-3 General Commercial Zone:

- a. The objective of the C-3 general commercial zone is to provide space within the town where nearly all types of commercial goods and services may be provided.

Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

- b. The C-3 general commercial zones should be located principally in existing communities and not along major highways. To maximize traffic safety, property owners should shall provide access in a manner that will minimize the hazard of traffic leaving and entering roadways.

To maximize traffic safety, a traffic impact study must be performed.

As this zone primarily serves the traveling public, all traffic should enter and exit any commercial property in this zone from the highway, major and arterial roads, and not through residential roads if located adjacent to residential areas.

4. TC Tourist Commercial Zone

- a. The objective of the TC zone is to provide space within the Town for tourist-based uses. The intent of the zone is to allow for recreational activity to enhance the tourism experience in Apple Valley.
- b. The zone is designated for small-scale commercial activities targeted to enhance the outdoor recreational experience.

c.

The location of TC zones shall not be located within 1500 feet of any existing residential zone.

d. Development in this zone will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. development controls and design guidelines, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment

B. Permitted Uses: In the following list of possible uses, those designated as being permitted in a zone will be identified with the letter "P". Uses designated with the letter "N" will not be allowed in that zone. The following list is not intended to be all inclusive, but rather, indicative of uses permitted in the zone. Any uses not specified as permitted shall be prohibited.

	C-1	C-2	C-3	<u>TC</u>
Air conditioning, sales and service	N	N	P	<u>N</u>
Altering, pressing and repairing of wearing apparel	P	P	P	<u>N</u>
Amusement enterprises	N	P	P	<u>P</u>
Animal hospital	N	P	P	<u>N</u>
<del>All services must be provided and conducted within a completely enclosed building</del>				
Antique, import or souvenir shop	N	P	P	<u>P</u>
Arcade	N	P	P	<u>N</u>
<u>Arcade</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	<u>P</u>
Athletic club	P	P	P	<u>N</u>
Auction establishment (retail goods only)	N	N	P	<u>N</u>
Automobile, new or used sales and service	N	P	P	<u>N</u>
Automobile parts sales (new)	N	P	P	<u>N</u>
Automobile rental	N	P	P	<u>N</u>
Art Gallery	N	P	P	<u>P</u>

Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	<u>N</u>
Bakery manufacture limited to foods retailed on premises	P	P	P	<u>P</u>
Bank or financial institution	P	P	P	<u>N</u>
Barber shop	P	P	P	<u>N</u>
Beauty shop	P	P	P	<u>N</u>
Bed and breakfast inn	P	P	N	<u>P</u>
Bar Pub, Tavern	N	P	P	<u>P</u>
Billiard parlor	N	P	P	<u>P</u>
Bicycle sales and service	N	P	P	<u>P</u>
Boat sales and service	N	N	P	<u>N</u>
Bookbinding	P	P	P	<u>P</u>
Bookstore, retail	P	P	P	<u>P</u>
Bowling alley	N	P	P	<u>P</u>
Building materials sales	N	N	P	<u>N</u>
Bus terminal	N	P	P	<u>N</u>
Cabinet shop	N	N	P	<u>N</u>
<u>Cabins</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
<del>Care</del> Cafe or cafeteria	P	P	P	<u>P</u>
Camera store	P	P	P	<u>P</u>
Candy store, confectionery	P	P	P	<u>P</u>
<u>Campgrounds</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Car wash	N	P	P	<u>N</u>
Caretakers dwelling, incidental to a commercial use	N	P	P	<u>N</u>
Carpet and rug cleaning	N	N	P	<u>N</u>
Catering establishment	N	P	P	<u>N</u>
Child nursery	P	N	P	<u>N</u>
Clinics, medical or dental	N	P	P	<u>N</u>

Clothing and accessory store	N	P	P	<u>N</u>
Coal and fuel sales office	N	N	P	<u>N</u>
Convenience markets (including sale of gasoline)	P	P	P	<u>P</u>
Crematorium	N	N	P	<u>N</u>
Dairy product store	P	P	P	<u>N</u>
Dance hall	N	P	P	<u>N</u>
Delicatessen	P	P	P	<u>N</u>
Department store	N	P	P	<u>N</u>
Drapery and curtain store	N	P	P	<u>N</u>
Drugstore	N	P	P	<u>N</u>
Educational institutions	N	P	P	<u>N</u>
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	<u>N</u>
Electrical and heating appliances and fixtures sales and services	N	N	P	<u>N</u>
Electronic equipment sales and service	N	P	P	<u>N</u>
Employment agency	N	P	P	<u>N</u>
Fabric and textile store	N	P	P	<u>N</u>
Farm implement sales	N	P	P	<u>N</u>
Fence, sales and service	N	N	P	<u>N</u>
Florist shop	P	P	P	<u>P</u>
Fruit store (enclosed)	P	P	P	<u>P</u>
Furniture sales and repair	N	P	P	<u>N</u>
Garden supplies and plant material sales	N	P	P	<u>N</u>
Gift store	P	P	P	<u>P</u>
Government buildings or uses, no industrial	N	P	P	<u>N</u>
Greenhouse and nursery, soil and lawn service	N	P	P	<u>N</u>
Grocery store	P	P	P	<u>N</u>
Gunsmith	N	P	P	<u>N</u>

Hardware stores	N	P	P	<u>N</u>
Health club	P	P	P	<u>N</u>
Health food store	P	P	P	<u>P</u>
Hobby and crafts store	N	P	P	<u>N</u>
Hospitals	N	P	P	<u>N</u>
Hotel	N	<del>NP</del>	<del>NP</del>	<u>P</u>
Household appliance sales and service	N	P	P	<u>N</u>
Ice cream parlor	P	P	P	<u>P</u>
Ice manufacture and storage	N	N	P	<u>N</u>
Ice store or vending station	P	P	P	<u>N</u>
Insurance agency	N	P	P	<u>N</u>
Interior decorating and designing establishment	N	P	P	<u>N</u>
Janitor service and supply	N	N	P	<u>N</u>
Jewelry store sales and service	N	P	P	<u>P</u>
Laboratory, dental or medical	N	P	P	<u>N</u>
Laundry or dry cleaners, Laundromat	P	P	P	<u>N</u>
Legal office	N	P	P	<u>N</u>
Library	N	P	P	<u>N</u>
Liquor store	N	P	P	<u>N</u>
Locksmith	N	P	P	<u>N</u>
Lodge or social hall	N	P	P	<u>P</u>
Lodging Hotel, Motel, <del>(not RV or Cabins)</del> <del>(Short-term)</del>	N	<del>NP</del>	<del>NP</del>	<u>P</u>
Lounge	N	P	P	<u>P</u>
Lumber yard	N	N	P	<u>N</u>
Manufactured home sales lot and service	N	P	P	<u>N</u>
Medical office	N	P	P	<u>N</u>
Monument works and sales	N	N	P	<u>N</u>
Mortuary	N	P	P	<u>N</u>

Museum	N	P	P	<u>N</u>
Music store	N	P	P	<u>N</u>
Needlework, embroidery or knitting store	N	P	P	<u>N</u>
Newsstand	P	P	P	<u>N</u>
Nursery school	P	N	P	<u>N</u>
Office supply, office machines sales and service	N	P	P	<u>N</u>
Optometrist, optician or oculist	N	P	P	<u>N</u>
Paint or wallpaper store	N	P	P	<u>N</u>
Park and playground	P	P	P	<u>P</u>
Pawnshop	N	P	P	<u>N</u>
Pet and pet supply store	N	P	P	<u>N</u>
Pharmacy	N	P	P	<u>N</u>
Photographic supplies	N	P	P	<u>N</u>
Physician or surgeon office clinic	N	P	P	<u>N</u>
Plumbing shop	N	P	P	<u>N</u>
Pool hall	N	P	P	<u>P</u>
Popcorn or nut shop	N	P	P	<u>P</u>
Post office	N	P	P	<u>N</u>
Printing, lithographing, publishing or reproduction sales and service	N	P	P	<u>N</u>
Professional office	N	P	P	<u>N</u>
Radio and television sales and service	N	P	P	<u>N</u>
Real estate agency	N	P	P	<u>P</u>
Reception center or wedding chapel	N	P	P	<u>N</u>
Recreation center	N	P	P	<u>P</u>
Rental agency for home and garden equipment	N	P	P	<u>N</u>
Restaurant	P	P	P	<u>P</u>
Restaurant, drive-in	P	P	P	<u>P</u>

Roller skating rink	N	P	P	<u>N</u>
<u>RV Park or RV Resort - Transient tourist use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Secondhand store	N	P	P	<u>P</u>
Service station, handi-mart	P	P	P	<u>P</u>
Shoe repair and shoe shine shop	N	P	P	<u>N</u>
Shoe store	N	P	P	<u>N</u>
Sign painting	N	P	P	<u>N</u>
Sign sales	N	P	P	<u>N</u>
Storage rental units	N	P	P	<u>N</u>
Supermarket	N	N	P	<u>N</u>
Theater, indoor	N	P	P	<u>N</u>
Theater, outdoor	N	P	P	<u>N</u>
<u>Tiny Home Park - transient use</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Tire recapping or retreading	N	P	P	<u>N</u>
Tire sales and service	N	N	P	<u>N</u>
Toy store, retail	N	P	P	<u>P</u>
Trailer sales and service	N	P	P	<u>N</u>
Travel agency	N	P	P	<u>N</u>
<u>Tourist Tours Operations</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>
Used car lot	N	P	P	<u>N</u>
Variety store	N	P	P	<u>P</u>
Vegetable stand	P	P	P	<u>P</u>
<u>Winery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

C. General Requirements:

	C-1	C-2	C-3	TC
Minimum lot area	None	None	None	
Maximum zone area	None	None	None	<u>None</u>
Minimum yard setbacks from property line (in feet)				
Front	25	25	25	<u>25</u>
Side	10	10	10	<u>10</u>
Side facing a street on a corner lot	25	25	25	<u>25</u>
Rear	10	10	10	<u>10</u>
Building heights (in feet)				
Minimum	8	8	8	<u>8</u>
Maximum	35	35	35	<u>35</u>
Heights are maximum unless specifically approved to a greater height by the planning commission				
Minimum distance between buildings	10	10	10	<u>10</u>

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 and such other improvements as may be required relating to the specific use proposed.
- b. The site plan, or an additional plan drawn to the same scale, shall show utility locations, including water, power, drainage, telephone; cable TV, sewer or septic tank location, fire hydrants, street improvements and such other public improvements as may be required.
- c. Planning commission review and Town Council approval shall precede the issuance of any permit for site improvement, or construction permit for utility systems. No building permits shall be issued until all underground site improvements have been installed and construction authorized by the building inspector.

D. Special Provisions:

1. Storage Of Materials And Merchandise: All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six (6') feet in height, and no material or merchandise shall be stored to a height greater than that of the enclosing fence or wall.
2. Trash, Combustible Materials, Junk and Debris: No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any commercial zone. No junk, debris, or similar material shall be stored or allowed to remain on any lot in any commercial zone.
3. Solid Waste Storage Facilities: All 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. Protection Of Adjoining Residential Property: Where a commercial development adjoins any lot or parcel of ground in any residential zone, there shall be provided along the adjoining property line a decorative, sight obscuring fence, or a ten (10') foot wide planting strip, or any combination of fencing and landscaping which adequately protects the adjoining residential property.
5. Residential Dwellings: No residential dwelling of any kind is permitted in any commercial zoning district.
6. Lighting: all lighting shall be directed away from any residential use to protect neighboring properties from light pollution, and shielded from the night sky with no light emitted above a horizontal plane. Reference AVLU 10.26.
7. All lodging located in a commercial zone, shall require an on-site manager.


E. Abandoned, Wrecked, or Junk Vehicles:

1. Abandoned Vehicles Prohibited: It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the Town for longer than seventy two (72) hours, except as follows:
  - a. In a commercial or industrial zone, the number of such vehicles is determined by permit, and:
    - (1) Such use is authorized in the zone where the use is located, and
    - (2) Vehicles and parts thereof are stored within a building or are completely screened by a six (6) foot high, opaque, sight obscuring fence.
  - b. Nuisance: The accumulation and storage of more than the permitted number of vehicles or parts thereof on private or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the Town. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL NOVEMBER 18, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember McLaughlin	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Kopp	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Mayor Lisonbee	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Edwardsen	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Beddo	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

  
Marty Lisonbee, Mayor, Apple Valley

Attest

  
Michelle Kinney, Clerk Apple Valley