

ALTERED 12.5.18  
By vote @ T. C.

# Development and Building Policies

of

## The Town of Apple Valley

LATER 405525

### PURPOSE

The purpose of these policies is to:

- 1) Protect and provide for the public health, safety, and general welfare of the Town of Apple Valley.
- 2) Guide the future growth and development of the Town of Apple Valley in accordance with the general plan.
- 3) Encourage the safe, orderly and beneficial development of land within the municipality.
- 4) Provide a beneficial relationship between the uses of land, buildings and traffic circulation and the proper location and width of streets.
- 5) Establish reasonable standards of design and procedures for subdivisions, plat amendments, and lot line adjustments, to further the orderly layout and use of land.
- 6) Insure that public facilities are available and will have sufficient capacity to serve the proposed development, business or structure.

### ROAD ACCESS

All new commercial, industrial, manufacturing businesses, RV or other parks, subdivisions, lot splits or other division of land, shall require a traffic study to be provided by the applicant, and only if such traffic study shows that a safe entrance and exit off and on to Highway 59 to the property, either presently exists or will voluntarily be provided as part of the new development or business, shall such development be allowed and approved. Any new accesses on and off Highway 59 must be located as per the current Apple Valley approved Master Road plan, or as amended. A safe entrance and exit shall be defined as a left turn lane, right turn acceleration lane and deceleration lanes, as per UDOT standards, and such road improvements and location must also be approved by UDOT.

If a developer pays for access improvement that benefits other property owner, and they desire to be refunded for such improvements, they may pay for an impact fee study and refund agreement, so an impact fee can be created to help refund the developer.

All businesses or developments of any kind shall be served off a public or private road improved to the Apple Valley Design standards. If it is served off a private road, written easements and

maintenance agreements shall be provided and approved by the Town. All such agreements shall include language that gives the public (if road is serving other properties), police and emergency vehicle unrestricted access to such roads and must be recorded at the Washington County Recorder's office.

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 board. In such cases driveways should be shared with adjacent property owners and be designed and arranged so as to avoid requiring vehicles to back into traffic.

Because of the safety issue of having only one road in and out of downtown Apple Valley, no new commercial or residential developments, subdivisions or lot split shall be approved, until such time as the second UDOT fully improved access into downtown Apple Valley off Highway 59, located at mile marker 11.5 has been fully installed and are accessible to such developments. Downtown Apple Valley shall be defined as any development that would increase the traffic on Apple Valley Way.

No new commercial or residential developments, subdivisions or lot split will be approved that accesses off highway 59 at or about 1400 North or Plains Drive, until such time as those locations are fully improved with a safe access (as defined above) to and from those locations.

The above development restrictions shall not apply if a traffic and/or fire safety study acceptable to Apple Valley show that such restrictions are not needed.

## **MASTER PLANNED ROADS**

All roads shown on the Town of Apple Valley Master Road Plan must be honored and incorporated into development of any land in the Town.

## **ROAD IMPROVEMENTS**

No building permits of any kind, shall be issued until all the required lot and/or subdivision improvements has been installed as required per Apple Valley Design Standards. A delay agreement shall be signed for any required improvements that are not practical to install at the present time, however the cost of all delayed improvements shall be paid for prior to issuance of a building permit.

## **FIRE PROTECTION REQUIRED**

Before any building permit can be issued, an active fire hydrant must be located within 350 feet from the proposed structure, unless other methods of providing fire safety have been approved by the Town Fire Chief.

## **COMPLIANCE WITH ORDINANCES AND CODES REQUIRED**

No Building Permit, General Plan Changes, Zoning Changes, Conditional Use Permits or renewal/issuance of Business Licenses may be granted to a property owner who is not in compliance with all Ordinances and Codes of the Town of Apple Valley, or who owes money for fines, until such violations have been rectified and fines paid, unless otherwise approved by the Town Council.

## 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 ~~ELIMINATE~~

- 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	<del>2-C</del>
Air conditioning, sales and service	N	N	P	N
Altering, pressing and repairing of wearing apparel	P	P	P	N
Amusement enterprises	N	P	P	P
Animal hospital	N	P	P	N
Antique, import or souvenir shop	N	P	P	P
Arcade	N	P	P	N
Arcade	N	P	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P	P
Athletic club	P	P	P	N
Auction establishment (retail goods only)	N	N	P	N
Automobile, new or used sales and service	N	P	P	N
Automobile parts sales (new)	N	P	P	N
Automobile rental	N	P	P	N
Art Gallery	N	P	P	P
Automobile repair including paint, body, fender, brake, muffler, upholstery or transmission (completely enclosed building)	N	N	P	N
Bakery manufacture limited to foods retailed on premises	P	P	P	P
Bank or financial institution	P	P	P	N
Barber shop	P	P	P	N
Beauty shop	P	P	P	N
Bed and breakfast inn	P	P	N P	<del>N</del>
Bar Pub, Tavern	N	P	P	P
Billiard parlor	N	P	P	P
Bicycle sales and service	N	P	P	P
Boat sales and service	N	N	P	N
Bookbinding	P	P	P	P
Bookstore, retail	P	P	P	P
Bowling alley	N	P	P	P
Building materials sales	N	N	P	N
Bus terminal	N	P	P	N
Cabinet shop	N	N	P	N
Cabins	N	N	N	N
Cafe or cafeteria	P	P	P	P
Camera store	P	P	P	P
Candy store, confectionery	P	P	P	P

Campgrounds	N	N	N	P
Car wash	N	P	P	N
Caretakers dwelling, incidental to a commercial use	N	P	P	N
Carpet and rug cleaning	N	N	P	N
Catering establishment	N	P	P	N
Child nursery	P	N	P	N
Clinics, medical or dental	N	P	P	N
Clothing and accessory store	N	P	P	N
Coal and fuel sales office	N	N	P	N
Convenience markets (including sale of gasoline)	P	P	P	P
Crematorium	N	N	P	N
Dairy product store	P	P	P	N
Dance hall	N	P	P	N
Delicatessen	P	P	P	N
Department store	N	P	P	N
Drapery and curtain store	N	P	P	N
Drugstore	N	P	P	N
Educational institutions	N	P	P	N
Egg and poultry store (retail sales only), no live bird slaughtering permitted	P	P	P	N
Electrical and heating appliances and fixtures sales and services	N	N	P	N
Electronic equipment sales and service	N	P	P	N
Employment agency	N	P	P	N
Fabric and textile store	N	P	P	N
Farm implement sales	N	P	P	N
Fence, sales and service	N	N	P	N
Florist shop	P	P	P	P
Fruit store (enclosed)	P	P	P	P
Furniture sales and repair	N	P	P	N
Garden supplies and plant material sales	N	P	P	N
Gift store	P	P	P	P
Government buildings or uses, no industrial	N	P	P	N
Greenhouse and nursery, soil and lawn service	N	P	P	N
Grocery store	P	P	P	N
Gunsmith	N	P	P	N
Hardware stores	N	P	P	N
Health club	P	P	P	N
Health food store	P	P	P	P
Hobby and crafts store	N	P	P	N
Hospitals	N	P	P	N
Hotel	N	N P	N P	N
Household appliance sales and service	N	P	P	N
Ice cream parlor	P	P	P	P



Ice manufacture and storage	N	N	P	N
Ice store or vending station	P	P	P	N
Insurance agency	N	P	P	N
Interior decorating and designing establishment	N	P	P	N
Janitor service and supply	N	N	P	N
Jewelry store sales and service	N	P	P	P
Laboratory, dental or medical	N	P	P	N
Laundry or dry cleaners, Laundromat	P	P	P	N
Legal office	N	P	P	N
Library	N	P	P	N
Liquor store	N	P	P	N
Locksmith	N	P	P	N
Lodge or social hall	N	P	P	P
Lodging Hotel, Motel	N	N P	N P	P
Lounge	N	P	P	P
Lumber yard	N	N	P	N
Manufactured home sales lot and service	N	P	P	N
Medical office	N	P	P	N
Monument works and sales	N	N	P	N
Mortuary	N	P	P	N
Museum	N	P	P	N
Music store	N	P	P	N
Needlework, embroidery or knitting store	N	P	P	N
Newssstand	P	P	P	N
Nursery school	P	N	P	N
Office supply, office machines sales and service	N	P	P	N
Optometrist, optician or oculist	N	P	P	N
Paint or wallpaper store	N	P	P	N
Park and playground	P	P	P	P
Pawnshop	N	P	P	N
Pet and pet supply store	N	P	P	N
Pharmacy	N	P	P	N
Photographic supplies	N	P	P	N
Physician or surgeon office clinic	N	P	P	N
Plumbing shop	N	P	P	N
Pool hall	N	P	P	P
Popcorn or nut shop	N	P	P	P
Post office	N	P	P	N
Printing, lithographing, publishing or reproduction sales and service	N	P	P	N
Professional office	N	P	P	N
Radio and television sales and service	N	P	P	N

Real estate agency	N	P	P	P
Reception center or wedding chapel	N	P	P	N
Recreation center	N	P	P	P
Rental agency for home and garden equipment	N	P	P	N
Restaurant	P	P	P	P
Restaurant, drive-in	P	P	P	P
Roller skating rink	N	P	P	N
RV Park or RV Resort - Transient tourist use	N	N	N	P
Secondhand store	N	P	P	P
Service station, handi-mart	P	P	P	P
Shoe repair and shoe shine shop	N	P	P	N
Shoe store	N	P	P	N
Sign painting	N	P	P	N
Sign sales	N	P	P	N
Storage rental units	N	P	P	N
Supermarket	N	N	P	N
Theater, indoor	N	P	P	N
Theater, outdoor	N	P	P	N
Tiny Home Park - transient use	N	N	N	<del>P</del>
Tire recapping or retreading	N	P	P	N
Tire sales and service	N	N	P	N
Toy store, retail	N	P	P	P
Trailer sales and service	N	P	P	N
Travel agency	N	P	P	N
Tourist Tours Operations	<del>P</del> N <del>P</del>	N <del>P</del>	N <del>P</del>	<del>P</del>
Used car lot	N	P	P	N
Variety store	N	P	P	P
Vegetable stand	P	P	P	P
Winery	P	P	P	P

C. General Requirements:

	C-1	C-2	C-3	TC
Minimum lot area	None	None	None	
Maximum zone area	None	None	None	None
Minimum yard setbacks from property line (in feet)				
Front	25	25	25	25
Side	10	10	10	10
Side facing a street on a corner lot	25	25	25	25
Rear	10	10	10	10
Building heights (in feet)				
Minimum	8	8	8	8
Maximum	35	35	35	35



Heights are maximum unless specifically approved to a greater height by the planning commission				
Minimum distance between buildings	10	10	10	10

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 AVL 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.

HISTORY

Adopted by Ord. 2019-09 on 6/12/2019

Amended by Ord. O-2020-25 on 11/18/2020

**11.02.100 Land use Change Agreement**

All applications for a Land Use Change shall be accompanied by an executed copy of the following agreement, as amended from time to time by the Town council. Said agreement shall be substantially in the following form:

LAND USE CHANGE AGREEMENT WITH APPLE VALLEY TOWN

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter referred to as "Land Owner," and the Town of Apple Valley, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "Land Owner", on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Apple Valley Land Use Code, and shall in all respects comply with the provisions contained therein, (2) pay all application fees.

**ATTORNEY FEES AND COSTS/GOVERNING LAW.** *Should the Land Owner or the Town initiate a lawsuit, the prevailing party shall be entitled to costs and reasonable attorney fees. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.*

DATED this day of \_\_\_\_\_, \_\_\_\_\_.

_____	_____	_____	_____
Land Owner	Date	Land Owner	Date
Title _____		Title _____	

STATE OF UTAH)  
\_\_\_\_\_: ss. \_\_\_\_\_ COUNTY OF WASHINGTON)

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ personally appeared before me \_\_\_\_\_, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

(SEAL)

NOTARY PUBLIC

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Apple Valley Town Planning & Zoning Manager

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the Town attesting to the fact that the signer hereof is authorized by the subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).



**11.02.120 Subdivider's Agreement**

All applications for a subdivision shall be accompanied by an executed copy of the following agreement, as amended from time to time by the Town council. Said agreement shall be substantially in the following form:

**SUBDIVIDER'S AGREEMENT WITH APPLE VALLEY TOWN**

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, between \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_, hereinafter referred to as "Subdivider," and the Town of Apple Valley, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "Town." Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Apple Valley Town Subdivision Ordinance and design standards of the Land Use Code and shall in all respects comply with the provisions contained therein, (2) all on-site and off-site improvements required to be constructed in connection with said subdivision shall be constructed and installed in accordance with the approved construction plans and drawings, and (3) in the event that legal action is required to be taken by Apple Valley to enforce the terms of this agreement, Subdivider agrees that it/he shall be liable to pay all such legal costs and expenses incurred by Apple Valley, including court costs and a reasonable attorney's fee.

**ATTORNEY FEES AND COSTS/GOVERNING LAW.** Should the Subdivider or the Town initiate a lawsuit for any other reason than the above-mentioned reason, the prevailing party shall be entitled to costs and reasonable attorney fees. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.

DATED this day of \_\_\_\_\_, \_\_\_\_\_.

_____	_____	_____	_____
Subdivider	Date	Subdivider	Date
Title _____		Title _____	

STATE OF UTAH)

: ss. \_\_\_\_\_ COUNTY OF WASHINGTON)

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ personally appeared before me \_\_\_\_\_, the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

(SEAL)

NOTARY PUBLIC

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Apple Valley Town Planning & Zoning Manager

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the Town attesting to the fact that the signer hereof is authorized by the subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).