



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** February 14, 2012

**From:** Lori Lamson **Item No:** 6  
Assistant Director of Community Development

**Subject:** ADOPT ORDINANCE NO. 430

**T.M. Approval:** \_\_\_\_\_ **Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

That the Town Council adopt Ordinance No. 430.

### SUMMARY:

Ordinance No. 430 amends Section 9.31.030, "Single-Family Architectural Design Standards", of Chapter 9.31 "Residential Design Standards", to incorporate provisions related to the Town of Apple Valley Planning Commission Metal Roof Policy statement.

### BACKGROUND:

At its January 24, 2012 meeting, the Town Council reviewed and introduced Ordinance No. 430. As part of the requirement to adopt any new Ordinance, Ordinance No. 431 has been scheduled for adoption at the February 14, 2012 Town Council meeting.

### FISCAL IMPACT:

Not Applicable

### Attachments:

Ordinance No. 430

## ORDINANCE NO. 430

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, REVISING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY AMENDING SECTION 9.31.030 “SINGLE FAMILY ARCHITECTURAL DESIGN STANDARDS” OF CHAPTER 9.31 “RESIDENTIAL DESIGN STANDARDS”, TO INCORPORATE PROVISIONS RELATED TO THE TOWN OF APPLE VALLEY PLANNING COMMISSION METAL ROOF POLICY STATEMENT.**

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

### **Section 1. Recitals**

(i) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

(ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

(iii) specific changes are proposed to section 9.31.030 “Single Family Architectural Design Standards” as it relates to metal roofing material within the Town of Apple Valley; and

(iv) On January 13, 2012, Development Code Amendment No. 2011-004 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

(v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

(vi) On November 2, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2011-004, inviting testimony from the public and adopted Planning Commission Resolution No. 2011-007 recommending adoption of this Ordinance; and

(viii) Development Code Amendment No. 2011-004 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall

promote the health, safety, and general welfare of the citizens of the Town of Apple Valley.

## **Section 2. Findings**

(i) Find that the changes proposed by Development Code Amendment No. 2011-003 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; the activity is exempt from, and not subject to, CEQA.

**Section 3.** Amend the Paragraph 4 of subsection A. “Dwelling Unit Architecture” of Section 9.31.030 “Single Family Architectural Design Standards” of the Town of Apple Valley Development Code to read as follows:

**“4. *Building Materials.***

- a.** All street elevations shall be architecturally treated.
- b.** Metal or aluminum siding, reflective materials and finishes, and unfinished concrete block shall be avoided unless they are necessary as a part of an established or common architectural style upon review and approval of the Planning Commission on a case-by-case basis. Stone, brick, masonry, stucco, adobe and smooth plasters are required when such architectural treatments are used upon the main structure on site.”

**Section 4.** Amend Paragraph 8 of subsection A “Dwelling Unit Architecture” of Section 9.31.030 “Single Family Architectural Design Standards” of the Town of Apple Valley Development Code to read as follows:

**“8. *Roofing Materials.*** Metal roofing materials simulating traditional “S” shaped or flat tile roofing material, simulating shake roofing material (if consistent with surrounding homes), and materials identified within the Planning Commission Metal Roof Policy Statement shall be permitted within all residential zoning districts. All other exposed metal material used for roofing may be reviewed and approved by the Planning Commission on a case-by-case basis as follows:”

**Section 5.** Invalidation. The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 6.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

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

**Section 8.** Severability. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provision of the Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this 14<sup>th</sup> day of February, 2012.

\_\_\_\_\_  
Honorable Barb Stanton, Mayor

ATTEST:

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Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

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Mr. John Brown, Town Attorney

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Mr. Frank Robinson, Town Manager