



Town Council Agenda Report

Date: November 10, 2020 Item No. 5

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 538 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING SECTION 9.29.060 “MANUFACTURED HOUSING STANDARDS” AS IT RELATES TO AGE AND DESIGN STANDARDS OF MANUFACTURED HOUSING LOCATED OUTSIDE OF ANY MANUFACTURED OR MOBILE HOME PARK (DCA 2020-007)

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 538

SUMMARY:

At its October 27, 2020 meeting, the Town Council reviewed and introduced Ordinance No. 538 that amends the Development Code by modifying provisions relating to age and design standards of manufactured homes located outside of a manufactured or mobile home park, referred to as Development Code Amendment No. 2020-007. Ordinance No. 538 has been scheduled for adoption at the November 10, 2020 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 538

ORDINANCE NO. 538

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING SECTION 9.29.060 “MANUFACTURED HOUSING STANDARDS” AS IT RELATES TO AGE AND DESIGN REQUIREMENTS APPLICABLE TO MANUFACTURED HOUSING.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, 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

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, directing staff to work with the Planning Commission to modify the development standards relating to manufactured housing located outside of a mobile home park;

WHEREAS, 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

WHEREAS, On September 2, 2020, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2020-007, inviting testimony from the public and adopting Planning Commission Resolution No. 2020-005 forwarding a recommendation to the Council; and

WHEREAS, Specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying Section 9.29.060 “Manufactured Housing Standards” relative to age and design requirements; and

WHEREAS, Development Code Amendment No. 2020-007 is consistent with the Town's General Plan and 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; and

WHEREAS, 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

WHEREAS, On October 16, 2020, Development Code Amendment No. 2020-007 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, On October 27, 2020, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2020-007, receiving testimony from the public and

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

Section 1. Find that the changes proposed by Development Code Amendment No. 2020-002 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment 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, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2020-002 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Section 9.29.060 “Manufactured Housing Standards” of Title 9 “Development Code” of the Town of Apple Valley Municipal Code to read as follows:

“9.29.060 - Manufactured Housing Standards

- A. **Purpose.** The purpose of these regulations is to establish standards for the permanent installation of manufactured housing for occupancy as single-family dwellings when located outside of a mobile home park. Manufactured housing does not include mobile homes, recreational vehicles or commercial modular units. Any manufactured home installed or constructed in accordance with the provisions of this section shall be allowed anywhere that permits the construction of detached, single-family residential structures.
- B. **Permit Requirements.** The following requirements shall apply to manufactured homes:
1. All applicable construction related permits and approvals including grading, sewage disposal, erosion control and encroachment permits shall be obtained.
 2. A permit from the Building and Safety Division for the installation of a manufactured home not within an approved and properly licensed mobile home park shall not be issued, if more than ten (10) years have elapsed between the date of manufacture and the date of the application for the issuance of the permit to install such manufactured home. The requirements of this section shall not apply if the manufactured home is already in place on the lot for which

the permit is sought and was approved pursuant to a permit previously issued by the Town.

3. The manufacturer shall permanently affixed a label or tag to the manufactured home certifying that the manufactured home complies with federal construction and safety standards (43 U.S.C. section 5415) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. seq.)

C. *Development Standards*

1. Any manufactured home occupied as a single-family dwelling in any residential district shall be installed upon a permanent foundation with the finished floor at grade with the site. All conduits, plumbing, electrical, mechanical, and/or other equipment installed below the finished floor shall be located below the finished grade of the site. Any manufactured home so used shall be a permanent fixture to the site, permanently affixed to a building foundation.
2. Each manufactured home shall comply with all the site development standards of the applicable zoning district as outlined within Section 9.28.040 "Site Development Standards".
3. Each manufactured home shall comply with the standards outlined within Section 9.31.030 "Single Family Architectural Design Standards".
4. Exterior walls shall be finished with materials and trim customarily associated with conventional single-family dwellings. This would include horizontal wood siding, stucco or stucco-like finishes, masonry and board and batten siding. Corrugated metal walls, vertical rib siding or other such materials are not acceptable under this guideline, unless it can be found characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.
5. The roofing shall be asphalt or tile shingles or other material characteristic of dwellings within the immediate area of where the manufactured home is to be located.
6. The roof shall overhang the exterior wall by at least sixteen (16) inches unless a lesser overhang can be shown to be characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located. Except when associated with an identifiable architectural design, fascia boards shall be used on all edges of the roof to screen exposed rafters, vents, etc., and to give the roof a finished appearance.
7. The roof pitch shall be minimum of 4:12 and/or characteristic of conventional dwellings within the immediate area of where the manufactured home is to be located.
8. An enclosed two (2)-car garage shall be provided with exterior siding, roof line and materials matching that of the manufactured home.
9. Trailers, campers, fifth-wheels, recreational vehicles, buses, or similar vehicles shall not be used or occupied for any residential purpose, and any such residential use of such vehicle(s) is expressly prohibited except as defined

herein. A trailer, camper, fifth-wheel, recreational vehicles, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to fifteen (15) days within any one (1) calendar year. Upon approval of a Temporary Use Permit, a trailer, fifth-wheel, bus, or similar vehicle may be placed, for a residential purpose, on a site for up to sixty (60) days within any one (1) calendar year.”

Section 4. 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 5. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 6. 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 provisions of this Ordinance are declared to be severable.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 10th day of November 2020.

Honorable Scott Nassif, Mayor

ATTEST:

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager