

AGENDA
CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
SPECIAL MEETING OF THE PLANNING COMMISSION

Location:	City Hall	Date:	November 25, 2013
	834 Main Street	Time:	7:00pm Special Meeting
	Ferndale CA 95536	<i>Posted: 11/21/13</i>	

The City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility please call 786-4224 24 hours prior to the meeting.

- 1.0 Open meeting / flag salute / roll call
- 2.0 Ceremonial : None
- 3.0 Public Comment
- 4.0 Public Hearing
 - 4.1 Planning Commission Reading of Ordinance No. 2013-04, An Ordinance Amending Zoning Ordinance 02-02 Design Review, Sign and Parking Regulations
- 5.0 Adjournment to next regular meeting December 18, 2013

Section 1

CALL MEETING TO ORDER

PLEDGE ALLEGIANCE

ROLL CALL

Section 2

CEREMONIAL

Section 3

PUBLIC COMMENT

Section 4

PUBLIC HEARING

Meeting Date:	November 25, 2013	Agenda Item Number	4.1
Agenda Item Title:	Planning Commission Reading of Ordinance No. 2013-04, An Ordinance Amending Zoning Ordinance 02-02 Design Review, Sign and Parking Regulations		
Presented By:	Contract City Planner		
Type of Item:	x	Action	Discussion Information
Action Required:	Approve and Recommend Ordinance 2013-04		

RECOMMENDATION: Approve Ordinance 2013-04 An Ordinance Amending Zoning Ordinance 02-02 Design Review, Sign and Parking Regulations by title only, and recommend it to the City Council for consideration and possible adoption.

BACKGROUND: On November 7th, the City Council approved the second reading of and adopted Sign Ordinance 2013-02. The Sign Ordinance allows for review of signs by the Design Review Committee under certain circumstances, even if the sign is not located in the Design Review Zone. The Ordinance also exempts certain signs from Design Review requirements, even in the Design Review Zone. To allow for this, Zoning Ordinance 02-02 needs to be amended accordingly.

Staff prepared the attached Ordinance 2013-04 amending Zoning Ordinance 02-02 in order to bring the Zoning Ordinance into compliance with the new Sign Ordinance. To maximize the efficient use of staff, Planning Commission, and City Council time, staff incorporated other amendments to the Ordinance to recommend for consideration and possible adoption. These include amendments to §6.05 regarding the overall Design Control Combining Zone and §7.16 regarding parking regulations.

DISCUSSION: Proposed amendments to §6.05 regarding the overall Design Control Combining Zone mainly clarify language. The word “Victorian” was replaced with the word “Historical” in §6.05 to reflect the fact there are other architectural styles in Ferndale deserving protection. Amendments to §6.05.4 clarify the Design Review Committee appointment process. Amendments to §6.05.09 impose a time limit for completion of projects that require a building permit and allow for one 6-month extension.

The current parking regulations do not account for Ferndale’s historic downtown area, where buildings were erected without providing parking spaces. There is little space left, especially in the downtown business district, to provide for onsite off-street parking, yet the current regulations provide no alternative options. Relaxing the parking requirements for such buildings and providing options for compliance will better enable the City to enforce the regulations to address parking issues in Ferndale while reducing the burden and uncertainty on business owners.

The proposed amendments to §7.16 relax parking regulations, especially for existing buildings that do not currently have sufficient parking spaces; clarify what triggers a parking compliance review; and provide alternatives for compliance, including a parking in lieu fee, off-site parking arrangements, shared parking, and fair share contributions authorized by the Planning Commission.

ENVIRONMENTAL REVIEW: The adoption of the proposed ordinance is not a project subject to CEQA pursuant to Title 14, California Code of Regulations, Sections 15060(c)(2) and 15060(c)(3), as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

ORDINANCE NO 2013-04

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING ZONING ORDINANCE 02-02 SECTIONS PERTAINING TO DESIGN REVIEW, SIGN AND PARKING REGULATIONS

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 **Short Title:** This Ordinance shall be known and cited as “Amending Zoning Ordinance 02-02 Design Review, Sign and Parking Regulations.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to reduce inconsistencies, clarify roles, update off-street parking requirements, and as necessitated by adoption of Ordinance 2103-02 Sign Ordinance.

Article 2 STATUTORY AUTHORITY

§2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850(b), §38774, §38775, Business and Professions Code § 5200 et seq. and §5490 et seq., Civil Code §713, and other applicable State laws.

Article 3 GENERAL PROVISIONS

§3.1 The following changes shall be made to Section 6.05 of Zoning Ordinance 02-02. The section noted shall read as follows:

§6.05 (Begin section changed by Ordinance 09-01 on 8/6/09) Design Control Combining or -D Zone. The Design Control Combining or -D Zone is intended to be combined with any principal zone in which the appearance and design of buildings and structures form a substantial contribution to the desirability of the zone for the uses permitted therein, and in which it is desired to protect the over-all ~~Victorian~~Historical appearance of the zone by regulating the design of proposed buildings and structures in the zone. The following regulations shall apply in any zone with which a Design Control Combining or -D Zone is combined, or as specified in Ordinance 2013-02 Sign Ordinance:

- §6.05.1 The procedures and authority for Design Review are established by this section to achieve the following purposes and objectives:
- a. To ensure that new buildings and structures and/or the modification, alteration and/or enlargement of existing buildings or structures occurs in a manner which is consistent with the policies of the general plan;
 - b. To preserve the natural beauty of the town’s site and setting;

- c. To ensure that the architectural design of buildings and structures and their materials and colors are visually harmonious with and are conceptually consistent in character and scale with surrounding area; and
 - d. To ensure that the design and location of signs and their material and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, and to ensure that signs are visually harmonious with surrounding development.
- §6.05.2 Before any sign, structure or building may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the sign, structure or building, a Design Review Use Permit shall be obtained unless exempted by Ordinance 2013-02.
- §6.05.3 Each application for such Design Review Use Permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the front, side and rear elevations and the colors and materials to be used, and to show any other information that may be required by City staff, the Design Review Committee or the Planning Commission in order that it may adequately evaluate the proposed structure or building.
- §6.05.4 Design Review Use Permits ~~for structural or building alterations, remodeling or improvements so as to change the outward appearance of the structure or building, including changes in exterior paint color,~~ shall be subject to the following procedures:
- a. The Planning Commission shall appoint two of its members as Primary and one member as Alternate Design Review Committee Members.
 - b. The Planning Commission shall interview and recommend to the City Council appointment of three members from the 95536 zip code, preferably with design background in planning, architecture, landscape architecture, historical restoration, or other similar experience related to the design of physical improvements and buildings in the following manner:
 - i. ~~The City Clerk~~City staff shall advertise the vacancy(ies) (via notice in newspaper, public posting) and notify Ferndale residents to contact ~~the City Clerk~~City staff for application procedures, an application, which can be picked up at City Hall or mailed to the applicant.
 - ii. Applications must be received by ~~the City Clerk~~City staff by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the members of the Planning Commission by the next regular or special meeting. ~~The Planning Commission will interview applicants and make appointments at their next regular or special meeting.~~
 - iii. The Planning Commission shall interview applicants at their next regular or special meeting or direct City staff to re-advertise. After consideration of the applicants and application materials, the Commission shall select an applicant(s) to recommend for appointment. The first person(s) that receives a majority shall be selected. A priority ranking of tThe Commission's recommendation(s) as well as reasons supporting the ranking will

shall be forwarded to the City Council for their next regular or special meeting.

iv. The City Council shall consider the applicants and the Planning Commission's recommendation and shall appoint an applicant(s) to the Design Review Committee.~~first person(s) that receives a majority will be selected to fill the vacancy. If a majority is not obtained, or if there are no applicants, the vacancy will be re-advertised and the clock resets.~~

c. The Design Review Committee is a sub-committee of, and reports to, the Planning Commission.

d. Design Review Use Permit applications shall be forwarded to and reviewed by the Design Review Committee ~~Members~~. No discussion between committee members shall take place, unless in a duly noticed meeting of the Committee.

i. (Begin section amended by Ord 2011-04 12/31/11) If a majority of the members present approve, the ~~City Clerk~~City staff shall issue a Design Review Use Permit.

ii. If a majority of the members present deny, the applicant can change the design, or can ~~ask that the appeal the decision application go~~ to the Planning Commission at a fee as set by the Fees and Fines Schedule. (End section amended by Ord 2011-04 12/31/11)

§6.05.5 The ~~Planning Commission~~reviewing body shall consider the proposed structure or building in conjunction with the appearance and design of other structures and/or buildings in the zone in an endeavor to provide that the proposed structure or building will not be unsightly, obnoxious or undesirable in appearance to the extent that it will hinder the harmonious development of the zone, impair the desirability of the zone for the uses permitted therein, limit the opportunity to attain optimum use and value of the land and improvements or otherwise adversely affect the general property and welfare. The ~~Planning Commission reviewing body~~ shall suggest any changes or alterations in the proposed structure or building as it may deem necessary to accomplish the purposes of this Section.

~~§6.05.6 Upon denial of any proposal, the applicant has the option of appealing the decision to the City Council, at the same fee as quoted in the current Fees and Fines Resolution for Design Review.~~

~~§6.05.7 Upon the approval of any proposal, the Planning Commission shall issue a Design Review Use Permit. Any construction or structural alteration shall be in accordance with such approved proposal.~~

~~§6.05.8~~§6.05.6 Emergency / minor / routine repairs in Design Control Combining Zone.

a. Any of said repairs as defined in Sections 3.29 and 3.48 having value of less than \$1000.00 requires no Design Review Use Permit;~~if greater than \$1000, compliance shall be made under the Building Permit Ordinance.~~

~~§6.05.9~~§6.05.7 Time Limits:

a. Applicants for projects that do not require a building permit shall have six months after the date of ~~the last Design Review Committee member's signature~~Design Review Use Permit issuance to complete

their project. ~~The Planning Commission may grant a one-time extension of 6 months upon applicant's request.~~

b. Applicants for projects that do require a building permit shall be subject to the conditions and time limits of the building permit. If a building permit is not obtained within six (6) months of Design Review Use Permit issuance, the Design Review Use Permit shall be nullified.

~~b.c.~~ City staff may grant a one-time Design Review Use Permit extension of 6 months upon applicant's request.

~~§6.05.10 Penalties: A fine, of double the original fee as determined by the Fee & Fine Schedule Resolution, and at the discretion of the Planning Department, shall be levied against any contractor or individual or business that routinely does business in Ferndale as evidenced by a business license or has previously gone through Design Review, if that business, contractor or individual begins a change to the outside of a building, if in a design review zone, without a Design Review Use Permit. (End of section amended by Ordinance 09-01 on 8/6/09)~~

§3.2 The following changes shall be made to Section 7.16 of Zoning Ordinance 02-02. The section noted shall read as follows:

§7.16 Parking and Loading Facilities: Off street parking and loading spaces shall be provided in all zones in conformity with the following, except as provided for in §7.16.4 of this Ordinance:

7.16.1 Each parking space shall not be less than eight (8) feet wide, and sixteen (16) eighteen (18) feet long ~~with~~ and seven (7) feet of vertical clearance ~~high,~~ and each loading space shall not be less than ten (10) feet wide, twenty (20) five (25) feet long ~~with~~ and fourteen (14) feet of vertical clearance ~~high.~~

7.16.2 When the number of off-street parking spaces required for a structure or use is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present.

7.16.3 When a building contains two or more uses, the total required number of off-street parking spaces shall be the sum of the requirements for all uses. Off-street parking spaces for one use may not be considered as providing required off-street parking spaces for other uses unless a shared parking plan is submitted and approved in accordance with §7.16.6 of this Ordinance.

~~7.16.2~~ 7.16.4 Parking and loading spaces shall be provided as follows:

- a. Dwellings: one (1) for each dwelling unit.
- b. Hotels, motels, inns, bed and breakfast inns, boarding houses: one (1) for each individual living quarter or dwellingsleeping ~~unit.~~
- c. Hospitals: one (1) for each bed and one (1) additional for each three (3) staff members.
- d. Offices and retail establishments: one (1) for each 3500 ~~3500~~ square feet of floor area, with a minimum of four (4) for each office building. ~~with a minimum of four (4) for each office building.~~ Medical and dental offices shall provide one (1) additional for each staff member.

- e. Restaurants and Department of Alcoholic Beverage Control licensed premises: one (1) for each four (4) seats or one (1) for each 200 square feet of floor space, whichever ~~yields the greatest number of spaces required~~ is greater.
- f. Wholesale, industrial and public utility buildings: one (1) for each three (3) employees on duty at any one time.
- ~~g.~~ Recreation, education, and Ppublic assembly uses, including churches and theaters: one (1) for each 500 square feet of floor area ~~six (6) seats~~.
- ~~h.~~ Every commercial use occupying more than 5,000 square feet of floor area in any building shall provide one (1) loading space and one (1) additional loading space for every 20,000 square feet of floor area in excess of 5,000 square feet.
- ~~g.i.~~ All off-street parking areas shall be accessible from a public street, alley, or driveway. A ten (10) foot wide unobstructed vehicular access lane shall be maintained.

7.16.5 Nonconforming parking. A structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions:

- a. If the use of the structure is changed to one that requires more parking and loading spaces than the previous use, only the difference between the number of spaces required for the previous use and those required for the new use shall be added, even if the previous use was nonconforming as to the number of spaces provided. If the previous use provided more parking than required, the surplus spaces may count toward the additional required spaces for the new use.
- b. For purposes of this Subsection, the term "previous use" shall mean the last known permitted use of the same location.
- c. When the floor area of an existing structure is increased, the number of parking and loading spaces shall be increased by the difference between the requirements for the new size and the requirements for the previous size, even if the number of spaces previously provided was nonconforming.
- d. Any increase in floor area shall not eliminate required existing parking, loading, or access, unless replaced elsewhere onsite or in accordance with §7.16.6.

7.16.6 Alternative parking arrangements.

- a. Other alternatives to the parking requirements of this Ordinance may be approved by City staff in compliance with the following:
 - i. Pay an in lieu parking fee in compliance with Subsection c, below; or
 - ii. Provide the required parking facilities on another approved site in compliance with Subsection d, below; or
 - iii. Submit a shared parking plan in compliance with Subsection e, below; or
 - iv. Provide some other fair share contribution where authorized by the

Planning Commission.

- b. The agreement embodying one or a combination of these alternatives shall be filed at City Hall before the issuance of a Building Permit for the project, a business license, or a Building Inspector Approval for a new use in an existing structure.
- c. In lieu of providing parking facilities required by this Ordinance, the requirements may be satisfied by the payment to the City for each parking space required by this Ordinance but not provided by the proposed project in compliance with the following:
 - i. The amount shall be set by the City Council and shall be identified in the City's Fees and Fines Schedule.
 - ii. The Council may elect to decline the acceptance of the payment in lieu of providing the required parking facilities on a case-by-case basis, only if the Council first determines that it is feasible and desirable that the required parking be developed on the subject site.
 - iii. The payment shall be deposited with the City in a special fund and shall be used for the purpose of studying, acquiring and developing on-street and off-street parking facilities, or studying, developing and operating transportation alternatives (e.g. bicycle facilities, mass transit, or pedestrian facilities).
 - iv. All parking in lieu fees paid shall be credited to the parcel upon which the use or structure is located, and shall not be transferable to another parcel.
- d. Parking may be located offsite in compliance with the following:
 - i. In considering a request for offsite parking, City staff shall consider how the distance between the parking area and the proposed use may affect whether the offsite facility will properly satisfy the parking needs of the proposed use.
 - ii. Required parking spaces that are approved offsite shall be committed by a lease or other agreement and filed at City Hall.
 - iii. The owner/operator of a business that uses approved offsite spaces to satisfy parking requirements shall immediately notify City staff of a change of ownership or use of the property for which the spaces are required, and of termination or default of the agreement between the parties.
 - iv. Upon notification that a lease for required offsite parking has terminated, one of the following shall occur:
 - (a). Substitute parking shall be provided; or
 - (b). The size or capacity of the use shall be reduced so that the number of spaces provided comply with this Ordinance.
- e. Parking spaces may be shared by two or more adjacent uses in compliance with the following:
 - i. Up to fifty percent (50%) of the parking spaces serving a use may be

shared by other uses not normally open or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility.

ii. A written agreement defining the shared parking shall be executed by all parties concerned and filed at City Hall.

~~+~~iii. Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require a new application under this subsection.

Article 4 ENACTMENT

§4.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§4.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this 5th day of December 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		