

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

Location:	City Hall	Date:	December 9, 2013
	834 Main Street	Time:	7:00pm Special Meeting
	Ferndale CA 95536	<i>Posted: 12/03/13</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 Hearings
 - 4.1 638 Main Street Request for Variance from Zoning Ordinance 02-02 §7.16 Pertaining to Off Street Parking Spaces Page 3
 - 4.2 Planning Commission Reading of Ordinance No. 2013-04, An Ordinance Amending Zoning Ordinance 02-02 Design Review and Sign Regulations Page 11
- 5.0 Adjournment – Next regular meeting **December 18, 2013**

Section 3: PUBLIC COMMENT

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction.

Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rd of the Commission (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.

Please state your name and address for the record. (This is optional.)

Section 4: PUBLIC HEARINGS

1. OPEN PUBLIC HEARING

- a. Announce agenda item number and state the subject
- b. Invite staff to report on the item, including any recommendation
- c. Ask members of the Council or Commission if they need clarification. If so, the questions should be asked of the person reporting on the item.
- d. Invite Public Comment. Mayor or Chair may limit the time for speakers to 3 minutes

2. CLOSE PUBLIC HEARING

- a. Invite a motion from the governing body and announce the name of the person making the motion
- b. Invite a second from the governing body and announce the name of the person seconding the motion
- c. Make sure everyone understands the motion by having it repeated by
 - i. The maker of motion
 - ii. The Chair
 - iii. The Secretary
- d. Invite discussion by members of the governing body
- e. Take a vote; ayes and then nays are normally sufficient
- f. Announce the result of the vote and announce what action (if any) the body has taken.
- g. Indicate names of members who voted in the minority of the motion

PC Meeting:	December 9, 2013	Case No.: VA 1340
Applicant:	Humboldt Medical Group	Agenda Item: 4.1
Property Address:	638 Main Street	APN 031-142-004
Zoning:	Community Commercial Design Control Combining (C-2-D)	

PROJECT DESCRIPTION: Request for Variance from Zoning Ordinance 02-02 §7.16 pertaining to off street parking spaces. The Variance would allow the Humboldt Medical Group to relocate from 528 Washington Street to 638 Main Street and provide 20 parking spaces, including one Americans with Disabilities Act (ADA) compliant parking stall and loading zone. Zoning regulations require 30 spaces for the clinic at the proposed site. The clinic does not comply with parking regulations at the current location; there are no off street parking spaces provided. Commission approval is necessary to allow the clinic to relocate.

ENVIRONMENTAL REVIEW: This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA), and qualifies for a Class 5 Categorical Exemption per Section 15305 of CEQA Guidelines. Class 5 exempts minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20% that do not result in changes in land use or density.

STAFF CONTACT: Planwest Partners, Contract City Planners. Phone: 707.825.8260, Fax, 707.825.9181 and Email: melanier@planwestpartners.com.

STAFF RECOMMENDATION:

Adopt the findings of fact as described in Attachment A and approve the Variance to parking requirements, subject to the conditions of approval listed in Attachment B.

Recommended Motion: “Adopt Resolution No. PC 2013 - 43 making the required findings of fact listed in Attachment A, and approve the variance as requested, subject to the conditions of approval listed in Attachment B, to allow the Humboldt Medical Group to relocate to 638 Main Street and provide 20 off street parking spaces instead of the required 30.”

SUMMARY OF PROPOSED PROJECT: The current Humboldt Medical facility at 528 Washington Street does not meet ADA standards, nor does it provide any off street parking as required by Zoning Ordinance 02-02. The surrounding land uses for the existing location are Community Commercial. The clinic is currently located near the center of the downtown business district.

The Humboldt Medical Group proposes to relocate the clinic to the existing two-story mixed use building at 638 Main Street in order to update facilities, allow for ADA access, and improve parking for staff and patients. The clinic is not proposing to expand or increase capacity. The proposed location would provide 20 parking spaces, including one ADA compliant parking stall and loading zone (see attached plans). The proposed location is zoned Community Commercial Design Control Combining (C-2-D); medical clinics are principally permitted in the zone. The proposed relocation requires a building permit for renovations and potentially a Design Review

Use Permit for signage. The surrounding land uses are Community Commercial and Residential One-Family. The proposed location is at the northern end of the downtown business district.

ANALYSIS:

Ferndale Zoning Ordinance Article IX §9.01 specifies the findings that must be made to grant the variance:

Grant of special privilege: Due to the difficulty of enforcing the existing parking regulations in the historic downtown business district, the City has begun pursuing potential revisions to the Zoning Ordinance parking requirements. Numerous downtown businesses operate without providing the required off street parking. Therefore, the granting of this variance does not constitute the granting of special privilege, nor is it inconsistent with the limitations upon other properties in the vicinity and zone.

Public interest, safety, health and welfare: The Humboldt Medical Group operates a medical clinic and patient treatment center in Ferndale. Its location within the City is in the public interest and promotes public health, safety, and welfare. Allowing the clinic to relocate to a location with updated facilities, greater parking capacity, and ADA compliant parking and loading would improve patient access and treatment. Relocation of the clinic would not increase parking demand in the City, but would rather free up on-street parking spaces in the downtown business district.

Special Circumstance: The purpose of the variance process is to allow flexibility in the application of the zoning regulations particularly where, due to special conditions or exceptional characteristics of such property, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships. The proposed new location has existing buildings and a limited amount of off street parking. A literal enforcement of the zoning regulations would require that the proposed relocation of the clinic involve either downsizing or demolition of existing buildings to provide the required off street parking, or that the proposed location remain vacant due to insufficient parking spaces and the clinic remain at its current location despite insufficient parking capacity and outdated facilities. Each of these options constitute a practical difficulty or unnecessary hardship.

APPLICABLE REGULATIONS:

Ferndale Zoning Ordinance 02-02 Article VII, §7.16 addresses parking requirements:

- 7.16. Parking and Loading Facilities: Off street parking and loading spaces shall be provided in all zones in conformity with the following:
- 7.16.1. Each parking space shall not be less than eight (8) feet wide, eighteen (18) feet long and seven (7) feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
 - 7.16.2. Parking 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 dwelling 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 300 square feet of floor area, 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 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.
 - f. Wholesale, industrial and public utility buildings: one (1) for each three (3) employees on duty at any one time.
 - g. Public assembly, including churches and theaters: one (1) for each six (6) seats.
 - 7.16.3. 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.
 - 7.16.4. No building shall be constructed closer to any traveled way than will provide adequate space for the traffic movement and the standing of vehicles which may be incidental to the use of the building.

Ferndale Zoning Ordinance 02-02, Article IX, §9.01 specifies the findings that must be made to grant the variance:

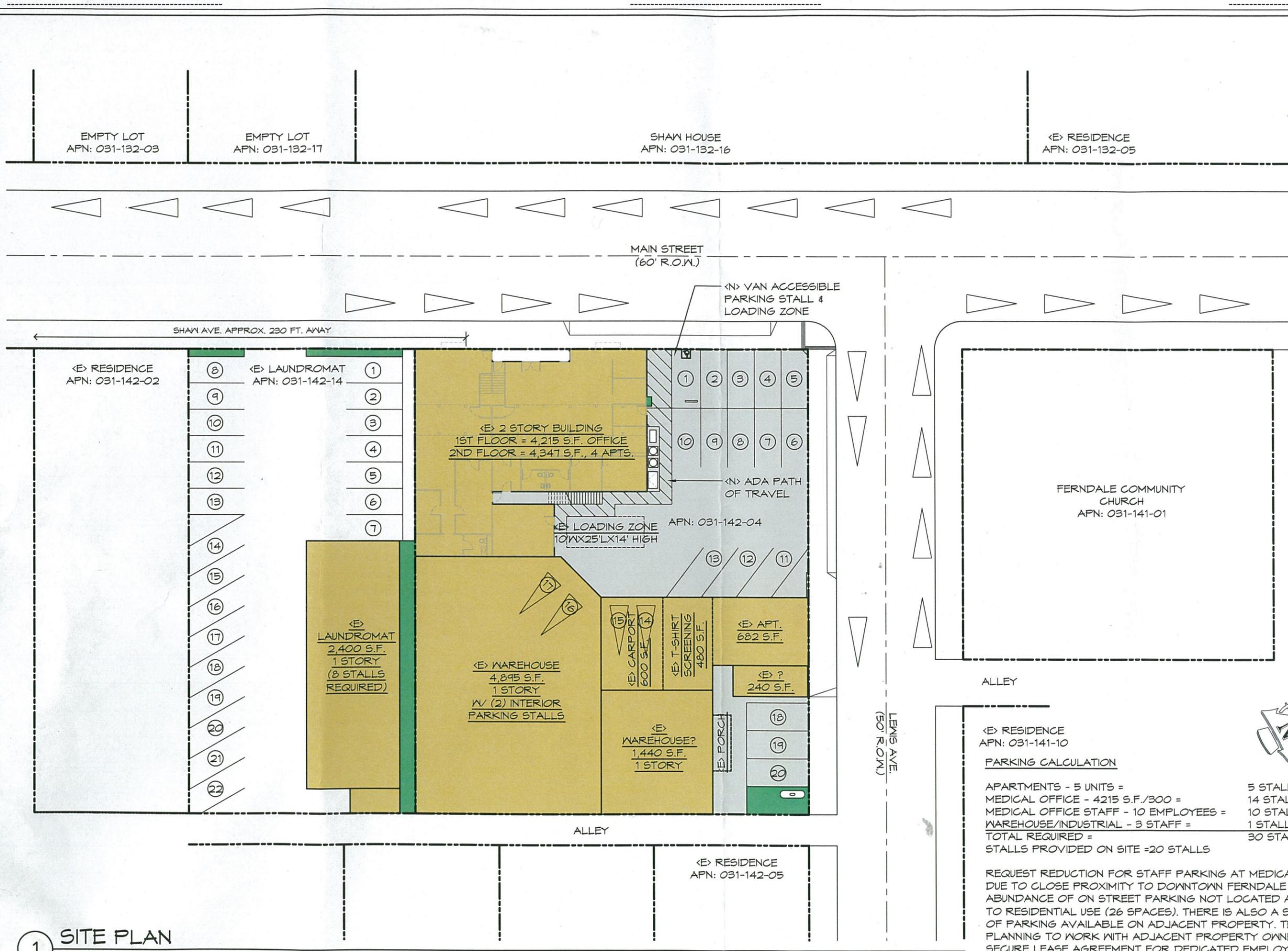
- 9.01.1. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and
- 9.01.2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, or
- 9.01.3. That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and,

- 9.01.4. Where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.

CONCLUSION:

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. A literal enforcement of these regulations would force businesses, such as the Humboldt Medical Group, to locate outside of the City.

Staff believes that granting a Variance to allow the medical clinic to relocate to an existing building would improve parking conditions within the City, which is consistent with the intent of the City's parking regulations.



1 SITE PLAN
SCALE: 1"=30'-0"

RESIDENCE APN: 031-141-10

PARKING CALCULATION

APARTMENTS - 5 UNITS =	5 STALLS
MEDICAL OFFICE - 4215 S.F./300 =	14 STALLS
MEDICAL OFFICE STAFF - 10 EMPLOYEES =	10 STALLS
WAREHOUSE/INDUSTRIAL - 3 STAFF =	1 STALL
TOTAL REQUIRED =	30 STALLS
STALLS PROVIDED ON SITE = 20 STALLS	

REQUEST REDUCTION FOR STAFF PARKING AT MEDICAL OFFICE DUE TO CLOSE PROXIMITY TO DOWNTOWN FERNDALE AND ABUNDANCE OF ON STREET PARKING NOT LOCATED ADJACENT TO RESIDENTIAL USE (26 SPACES). THERE IS ALSO A SURPLUS OF PARKING AVAILABLE ON ADJACENT PROPERTY. TENANT IS PLANNING TO WORK WITH ADJACENT PROPERTY OWNER TO SECURE LEASE AGREEMENT FOR DEDICATED EMPLOYEE PARKING.

EEL RIVER VALLEY CLINIC
TENANT IMPROVEMENTS
638 Main Street
Ferndale, CA
APN: 031-142-04

Lic. #: 638887
Builders
118 Port Kenyon Rd.
Ferndale, CA 95536
www.dclbuilders.com T: 707.786.5450

PLOT DATE: Sep 26, 2013
REVISION: _____
REVISION: _____
DRAWN BY: DJC
CHECKED BY: DDB

SHEET NAME
SITE PLAN
SHEET #:
A-1
(1356-Eel River Valley Clinic)

Attachment A**FINDINGS OF FACT**

Staff feels the Planning Commission can make the following findings to allow for Variance approval:

1. This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA), and qualifies for a Class 5 exemption from the preparation of environmental documents. Class 5 exempts minor alterations to land use limitations, such as lot line adjustments, variances, and encroachment permits on land with a slope of less than 20%, that do not result in changes in land use or density; and
2. The granting of the requested variance does not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and
3. Due to special conditions and characteristics of the subject property, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships; and
4. The proposed project, as outlined and conditioned, will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and
 - a. Appears to be similar and compatible to other uses allowed in the zone,
 - b. Does not appear to impair the integrity and character of the zone (or neighborhood),
 - c. Does not appear to be detrimental to the public health, safety, or welfare,
 - d. Appears to be compatible with the maintenance of a healthful residential living environment and the predominantly residential character of the area,
 - e. Does not significantly impact the general peace, safety, comfort, health and welfare of the zone/residential communities, and,
 - f. Is compatible with and does not detract from the character and aesthetics of the adjacent zones.

Attachment B**CONDITIONS OF APPROVAL**

Staff recommends that approval of the Variance be conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. The applicant shall be responsible to pay all applicable fees, deposits or charges associated with processing and finalizing this Variance and SDU approval and permit. All applicable fees shall be paid to the satisfaction of the City of Ferndale before the Variance permit and the SDU permits are considered final and approved.
2. The effect of the variance is to approve the modification of established parking regulations for a mixed use property; specifically, to allow the relocation of a medical clinic from 538 Washington Street, Ferndale, to 638 Main Street, Ferndale, providing 20 on-site, off-street parking spaces for all uses on the property; and that the approval of the variance shall have no effect on or in any way alter, modify or remove any current, prior or future terms and conditions applied to the subject property and the uses permitted, or not permitted.
3. Unless the Variance Permit as made possible under this action is granted by the City and the use described and permitted by this action is initiated within 6 months and completed within 12 months from the effective date of this action, then the approval granted under this action shall be suspended and all privileges granted shall lapse; provided, that the Planning Commission, upon written application prior to said date, may grant an additional extension(s) for the initiation and/or completion of the use described and permitted here, upon showing of good cause.
4. All proposed site development shall be in conformance with all applicable city ordinances, regulations and codes (as amended), including but not limited to Zoning Ordinance 02-02, Uniform Building Code, and Fire Code and/or Public Health & Safety Code regulations applicable to the nature and type of proposed construction and/or uses.
5. The applicants and/or property owners are required to obtain a building permit for any proposed construction, reconstruction and renovation, per the Uniform Building Code.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF FERNDALE
Resolution Number PC 2013 – 43**

**MAKING THE REQUIRED FINDINGS FOR CONDITIONALLY APPROVING A
VARIANCE FROM ZONING ORDINANCE 02-02 §7.16 PERTAINING TO OFF STREET PARKING
REQUIREMENTS FOR RELOCATION OF MEDICAL CLINIC FROM 538 WASHINGTON STREET TO
638 MAIN STREET, ASSESSOR PARCEL NUMBER: 031-142-004**

WHEREAS, Robin Smith of Humboldt Medical Group submitted an application and evidence in support of approving a Variance from Zoning Ordinance 02-02 §7.16 pertaining to off street parking requirements at 638 Main Street; and

WHEREAS, the project is exempt from California Environmental Quality Act per Section 15305 of Article 19 Categorical Exemptions; and

WHEREAS, the City has reviewed the submitted application and evidence for conformance with General Plan policy, goals and regulations and applicable Zoning Ordinance as required to allow for the Variance; and

WHEREAS, the staff report includes evidence in support of making all of the required findings for approving the Variance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Ferndale approves the Variance from Zoning Ordinance 02-02 §7.16 pertaining to off street parking requirements at 638 Main Street, subject to the conditions contained in Attachment B.

PASSED AND ADOPTED by the Planning Commission of the City of Ferndale this 9th day of December, 2013 by the following vote:

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____.

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Jorgen Von Frausing-Borch, Chairman

Meeting Date:	December 9, 2013	Agenda Item Number	4.2
Agenda Item Title:	Planning Commission Reading of Ordinance No. 2013-04, An Ordinance Amending Zoning Ordinance 02-02 Design Review and Sign Regulations		
Presented By:	City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	Approve and Recommend Ordinance 2013-04		

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

BACKGROUND: At the public hearing to consider proposed Zoning Ordinance amendments to Design review, sign, and parking regulations, the Planning Commission expressed to staff that the parking regulations required further City deliberations. Planning staff has removed all parking regulations from the attached Ordinance.

DISCUSSION: The attached Ordinance 2013-04 amending Zoning Ordinance 02-02 is necessary to bring the Zoning Ordinance into compliance with the new Sign Ordinance. Staff also incorporated amendments to §6.05 regarding the overall Design Control Combining Zone for clarification of the section. 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.

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 AND SIGN 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 and Sign Regulations.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to reduce inconsistencies, clarify roles, 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)~~

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:		

Section 5: ADJOURN