

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

Location:	City Hall	Date:	February 19, 2014
	834 Main Street	Time:	7:00pm Regular Meeting
	Ferndale CA 95536	Posted:	2/13/14

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 Call meeting to order / Flag salute / Roll call
- 2.0 Ceremonial
- 3.0 Update Agenda
 - 3.1 Proposed changes, modifications to agenda items
 - 3.2 Commissioners’ comments
- 4.0 Approval of previous minutes
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- 5.0 Public Comment
- 6.0 Public Hearing
 - 6.1 Read Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance by Title Only and Consider Recommending to the City Council for Adoption.....Page 8
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- 9.0 City Planner’s and City Clerk’s Staff Reports Page 93
- 10.0 Adjournment

The next regular meeting of the Ferndale Planning Commission will be on March 19, 2014 at 7pm.

Section 1: CALL MEETING TO ORDER

Section 2: CEREMONIAL

Section 3: UPDATE AGENDA

Proposed changes, modifications to agenda items
Commissioners' comments

Section 4: APPROVAL OF PREVIOUS MINUTES

City of Ferndale, Humboldt County, California USA

Minutes for Planning Commission Meeting of January 15, 2014

[Note: These are Action Minutes; a video of the meeting is available at City Hall M-Th 9-4]

Call to Order — Chair Jorgen Von Frausing-Borch called the Regular Planning Commission to order at 7:06 pm. Commissioners Uffe Christiansen, Dean Nielsen, and Lino Mogni, along with contract staff Christina Wile and City Planner Melanie Rheaume, were present. Those in attendance pledged allegiance to the flag.

Ceremonial — None.

3.0 Update Agenda

3.1 Proposed changes, modifications to agenda items — None

3.2 Commissioners comments — None

4.0 Approval of previous minutes

November 20, 2013 Regular Meeting, November 25, 2013 Special Meeting, December 9, 2013 Special Meeting— **MOTION: (Nielsen/Christiansen) Unanimous (4-0).**

5.0 Public Comment — None

6.0 Public Hearing

6.1 Consider Recommending Ordinance No. 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations to the City Council for Approval — City Planner Melanie Rheaume presented background information. The word “Victorian” was changed to “historical” to reflect multiple architectural styles within the City. “City Clerk” was changed to “City Staff” to allow the Deputy City Clerk or other staff to provide assistance. Commissioner Nielsen suggested that “Design Review Use Permit” be changed to “Design Review Permit.” Commissioner Nielsen inquired about §6.05.10 and asked why there was not a penalty for people who abuse the permit system. City Planner Rheaume informed the Commission that the City was in the process of updating the Nuisance Ordinance.

Public comment: Nancy Trujillo was concerned about time limits on design review permits.

City Planner Rheaume explained that the amended language would give the applicants the option to request a 6 month extension.

MOTION to make the following findings, recommend that the City Council adopt Ordinance 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations eliminating the word “use” from “Design Review Use Permit”, and direct staff to prepare a written recommendation to the Council. **FINDINGS:** 1) Ordinance 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations reduces inconsistencies, clarifies roles, and is necessitated by the adoption of Ordinance 2013-02 Sign Ordinance. 2) Ordinance 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations conforms to the Ferndale General Plan. **(Nielsen/Mogni) Unanimous (4-0).**

7.0 Business

7.1 Consider Approving Design Review Use Permit for 580 Main Street — City Planner Melanie Rheaume gave background information. On January 16, 2013 the City of Ferndale adopted a Negative Declaration for the DR 1223 project at 580 Main Street. The applicant submitted an amended Design Review Use Permit application on November 21, 2013. The applicant proposed the following changes: changing the siding material on the upper portion of the building to cedar, changing the paint colors to darker shades of brown and not reinstalling the original striped awnings. The proposed changes required an Addendum to the Initial Study/Negative Declaration. On December 18, 2013 the amended Design Review application and the Addendum to the Initial Study/Negative Declaration were reviewed by the Design Review Committee. The Committee voted to approve the paint colors and siding materials only, and did not make the necessary findings of fact in Attachment A, or impose the Conditions of Approval in Attachment B. Commissioner Nielsen asked why the findings were not made by the Design Review Committee at the December 18th meeting. Design Review Committee member Doug Brower explained that although the Committee members did their due diligence and read their packets, they did not realize they had to approve the findings of fact, or that failing to approve the findings would forward the matter to the Planning Commission. Deputy City Clerk Christina Wile explained that at the Design Review meeting, City Planner George Williamson had recommended the Design Review Committee make the findings of fact included in the recommended motion in their packets and explained that as a discretionary action under CEQA, it was essential that the Design Review Committee make the findings of fact.

Public Comment: Nancy Trujillo explained process she has gone through to obtain public records and permits from the City. Ms. Trujillo was concerned about the inclusion of the word “priming” in the staff report and Addendum to the Initial Study/Negative Declaration. Ms. Trujillo asked if the word “priming” could be struck from the project description. Ms. Trujillo was also concerned that the staff report used the words “top half” and “bottom half” of the building instead of the exact dimensions included in the drawings. Planner Rheaume explained that City permits are based on the drawings and plans as submitted with the application. Ms. Trujillo commented on the use of City Planner Williamson’s use of the word “essential” instead of “necessary” or “mandatory” at the Design Review Committee meeting.

MOTION to make the required findings of fact, listed in Attachment A, for approving the Addendum to the Initial Study/Negative Declaration and approve the Design Review Use Permit for Assessor Parcel Number 031-143-004, removing the word “priming”, changing the word “half” to “as per drawings”, and subject to the conditions of approval listed in Attachment B **(Nielsen/Mogni) Unanimous (4-0)**.

7.2 Design Review Committee Report and Minutes — No action.

7.3 Study Session with City Council — Chairman Jorgen Von Frausing-Borch requested this item be tabled until a new Planning Commissioner is appointed.

7.4 Building and Land Use Permits — No action.

7.5 Accept Resignation of Marc Daniels and Request Staff Post the Vacancies — Chairman Jorgen Von Frausing-Borch accepted the resignation of Marc Daniels and directed staff to advertise for the position as soon as possible. Applicants will be reviewed at the next meeting.

8.0 Correspondence and Oral Communications — No action.

9.0 City Planner’s and Deputy City Clerk’s Staff Reports — No action.

10.0 Design Review Minutes — No action.

11.0 Adjournment – Next regular meeting February 19, 2014 — Meeting adjourned at 8:23 pm.

Respectfully submitted,

Christina Wile
Deputy City Clerk

DRAFT

Section 5: 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 6: PUBLIC HEARING

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**

Meeting Date:	Feb 19, 2014		Agenda Item Number	6.1	
Agenda Item Title	Consider Recommending Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance and Consider Recommending Both to the City Council for Adoption				
Presented By:	Contract City Planner				
Type of Item:	x	Action		Discussion	Information
Action Required:		No Action		Voice Vote	x Roll Call Vote

RECOMMENDATION: Recommend that the City Council adopt Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption (Government Code §65855).

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council authorized staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council authorized staff to complete this phase of the Plan. Staff completed the attached City of Ferndale General Plan Housing Element Implementation 2013 Part 1: Amend the Zoning Ordinance of the City of Ferndale. A brief discussion of each proposed action is listed under the corresponding subtask. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance are both attached. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations.

On February 6th, the City Council directed staff to postpone the Noise & Air Quality Element and prepare the 2014 Housing Element Update to meet the Department of Housing and Community Development's (HCD) June 30, 2014 adoption deadline. HCD will require compliance with State housing regulations prior to certifying the Housing Element.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

Recommended Motion: Make the following findings, recommend that the City Council adopt Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption.

Findings:

1. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance
2. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance conform to the Ferndale General Plan

CITY OF FERNDALE GENERAL PLAN HOUSING ELEMENT IMPLEMENTATION 2013

PART 1: AMEND THE ZONING ORDINANCE OF THE CITY OF FERNDALE

Part 1 of the Implementation Plan includes steps required for compliance with state housing legislation and for HCD Housing Element certification.

Task 1.1 Zoning Ordinance Amendments

a) Permit more than four units of multi-family housing by right in R3 and R4 zones.

Because this step was not required for Housing Element or state housing regulation compliance, Planning staff recommends carrying this program over to the next Housing Element Update and instead completing subtask "g."

b) Include definitions of an emergency shelter, transitional housing, and supportive housing and allow for emergency shelters by right in specific land use designations/zones.

For compliance with SB 2, definitions of emergency shelter, transitional housing, and supportive housing have been added to Article 3 Definitions (see Exhibit A, attached).

c) Consider the Public Facility (PF) land use designation/zone where emergency shelters could be allowed without discretionary approval for SB2 compliance.

To comply with SB 2, the City identified the Public Facility zone for location of new emergency shelters by right. SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute. Section 5.17 has been amended accordingly (see Exhibit A).

d) Establish reasonable accommodation procedures for persons with disabilities to ensure equal access to housing.

Article 9 Variance was amended for compliance with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (see Exhibit A).

e) Redefine 'family' to ensure that equal access to housing is provided.

The definition of "family" has been amended in Article 3 Definitions (see Exhibit A).

f) Address use of "manufactured housing" vs. "mobile home" terms.

Definitions for "Manufactured Home" and "Mobile Home" were added to Article 3 Definitions (see Exhibit A).

g) Revise the Zoning Ordinance to permit manufactured homes in certain residential zones.

Sections 7.14-7.15 concerning Mobile Homes were amended (see Exhibit A).

h) Adopt density bonus ordinance (ADDED to Implementation Plan)

This step was added to the Implementation Plan for compliance with state density bonus law, including Government Code Section 65915. HCD will not certify a Housing Element Update for a city that has not adopted a density bonus. State law provides that if a developer proposes to include at least 20% of the dwelling units in a project at rents/prices affordable to low-income households or 10% of the dwelling units in a project at rents/prices affordable to very low-income households, the City must permit a 25% minimum density bonus. The attached Ordinance No. 2014-03 Density Bonus Ordinance is required for compliance with state density bonus laws.

Task 1.2 Propose and Adopt Zoning Ordinance Amendments

The Planning Commission is conducting this Public Hearing to consider recommending the proposed Ordinances and CEQA determination to the City Council for adoption.

ORDINANCE NO 2013-02

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING ZONING ORDINANCE 02-02 TO COMPLY WITH ADOPTED CITY OF FERNDALE HOUSING ELEMENT UPDATE 2012 SELECT POLICIES AND PROGRAMS AND FOR GENERAL MAINTENANCE

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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 for Housing Element Compliance.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to comply with State housing regulations and the City of Ferndale General Plan Housing Element Update 2012 as certified by the California Department of Housing and Community Development.

Article 2 STATUTORY AUTHORITY

§2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850 et seq., and other applicable State laws.

Article 3 GENERAL PROVISIONS

§3.1 City of Ferndale Zoning Ordinance 02-02 shall be revised as provided in Exhibit A to this Ordinance.

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 Xth day of March 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

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

Exhibit A

ORDINANCE NO. 02-02

AN ORDINANCE OF THE CITY OF FERNDALE STATE OF CALIFORNIA ESTABLISHING LAND USE ZONES; REGULATING THE USE OF LAND AND BUILDINGS AND THE OPEN SPACE ABOUT BUILDINGS; SPECIFYING MINIMUM DIMENSIONS AND AREAS FOR VARIOUS TYPES OF LAND USES IN VARIOUS ZONES; DEFINING WORDS AND TERMS; PROVIDING FOR THE ISSUANCE OF USE PERMITS AND VARIANCES AND FOR RELATED STANDARDS AND CONDITIONS; SPECIFYING PROCEDURES FOR THE ADMINISTRATION AND AMENDMENT OF, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THESE PROVISIONS; AND REPEALING ORDINANCES 211, 223, 236, 237, 239, 282, 284, 287, 288, 289, 292, 296, 301, 307A, 309, 91-02 and 00-05

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

ARTICLE 1: ADOPTION, SHORT TITLE and PURPOSE

§1.01 Adoption: There is hereby adopted a Zoning Ordinance for the City of Ferndale, State of California, as provided by Title Seven of the Government Code of the State of California. This Ordinance constitutes a precise plan for the use of land in conformity with the General Plan and General Plan Standards. The provisions of this Ordinance shall apply to all lands and all owners of lands within all the incorporated areas of the City of Ferndale.

- §1.02 Short Title: This Ordinance shall be known and cited as the “Zoning Ordinance.” In any administrative action taken by any public official under the Authority set forth in the Ordinance, the use of the term “Zoning Ordinance,” unless further modified, shall also refer to and mean this Ordinance.
- §1.03 Purpose: This Ordinance is adopted to promote and protect the public health, safety, morals, comfort, convenience and general welfare, to provide a plan for sound and orderly development and to ensure social and economic stability within the various established zones.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

- §2.01 The statutory authority for Zoning is Article 11, Section 7 of the California Constitution.
- §2.02 All departments, officers and public employees vested with the duty or authority to issue permits, certificates or licenses shall issue no permit, certificate or license for use, buildings or purposes within the City in conflict with the provisions of these regulations, and any such permit, certificate or license issued in conflict with the provisions of these regulations shall be null and void.
- §2.03 Any person whether principal, agent, employee or otherwise, violating or causing or permitting the violation of any *one* of the provisions of these regulations shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 per violation or by imprisonment for not more than 6 months or by both such fine and imprisonment.
- §2.04 Any building or use operated or maintained contrary to the provisions of these regulations shall be a public nuisance subject to injunction and abatement.
- §2.05 The remedies provided herein shall be cumulative and not exclusive.
- §2.06 (This section amended by Ord. 07-01 on 2/12/07)The City Manager (or in his/her absence the Mayor), or his/her designee shall be responsible for the enforcement of the provisions of these regulations. (End section amended by Ordinance 07-01 on 2/12/07)
- §2.07 (Begin Section added by Ordinance 09-01 on 8/6/09) In the event that any fee or charge is not paid within the time period specified by the City, the City shall retain the right to seek enforcement and/or collection in court, at the expense of the responsible party. Expenses shall be recoverable by the City whether by assessment by the City Council following a hearing at a regularly scheduled City Council meeting or by a court of competent jurisdiction and shall further include the actual costs of collection such as staff time, administrative costs, court costs, attorneys’ fees and penalties. (End Section added by Ordinance 09-01 on 8/6/09)

ARTICLE 3: DEFINITIONS

Unless the context otherwise requires, the definitions set forth in this Article shall be used in the interpretation and construction of this Ordinance. Words used in the present tense shall include the future, and in the future tense shall include the present tense; the singular number shall include the plural, and the plural the singular. The word “building” shall include the word “structure,” the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used” and the word “shall” is mandatory.

“City” shall mean the City of Ferndale, “City Council” shall mean the City Council of Ferndale and “Planning Commission” shall mean the Planning Commission of the City of Ferndale or the City Council in the absence of a legally constituted Planning Commission.

- §3.01 Abutting: Land having a common property line or separated only by an alley, easement or private road.
- §3.02 Access Drive: A private drive connecting a street or alley with a parking or loading area or space and of sufficient width to safely permit the passage of all vehicles, equipment, machinery, trailers, mobile homes, and pedestrians which may normally or reasonably be expected to seek access to the parking or loading area or space. Whenever the size, location or use of the parking or loading area is such as to reasonably necessitate the use of such drive by emergency vehicles, the drive shall be of adequate width and design to permit the passage of such emergency vehicles in order to be considered as an access drive within the meaning of these regulations.
- §3.03 Acreage: Land that is customarily measured in terms of acres rather than front feet or square feet.
- §3.04 Administrative Officials: The Planning Commission of the City of Ferndale and/or such other Planning Commission employee as may be designated by the Planning Commission.
- §3.05 Agriculture, General: Farming, dairying, pasturage, timber production, tree farming, horticulture, floriculture, viniculture, apiaries and animal and poultry husbandry, but not including stock yards, slaughter houses, hog farms, pig farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter.
- §3.06 Agricultural or Farm Labor Camp: Any living quarters, dwelling, boarding house, tent, bunk house, mobile home or other housing accommodation maintained in connection with any work being performed, and the premises upon which they are situated, or the areas set aside and provided for camping of five (5) or more employees by a labor contractor. Labor camps shall also mean a labor supply camp, which is any place, area or piece of land where a person engages in the business of providing sleeping places or camping grounds for five (5) or more employees or prospective employees to another.
- §3.07 Agricultural Service-Related Business: A business whose principal activity includes the service and selling of goods directly related to farming, dairying, pasturage, horticulture and animal and poultry husbandry. Such uses include “feed and farm supply stores,” “hay, feed, seed, tools and hardware stores” or “farm and ranch supplies,” but does not include a stock yard, slaughter house, meat market, animal and poultry husbandry, animal-keeping or veterinary service, fertilizer works or a plant for the reduction of animal matter. Furthermore, the selling or repairing of vehicles, farm implements like tractors or accessories, or the dispensing of fuels for such is not allowed as a principle activity.

- §3.08 Alley or Lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property and not intended for general traffic circulation, except when such terms are modified by the word “bowling.”
- §3.09 Animal hospital: A building where animals are given medical or surgical treatment for compensation and where the boarding of animals is incidental to such treatment. The designation “small animal hospital” shall indicate that such treatment shall be limited to dogs, cats, rabbits, birds and similar small animals.
- §3.10 Animal Products Processing Plants: Buildings and premises for the preparation for wholesale distribution of animals or animal products, including, but not limited to, slaughter houses, fat rendering, tallow works, fertilizer plants, tanneries, seafood packing and canning and distillation of bones.
- §3.11 Automobile Repair:
- 3.11.1 Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair and over-all painting or paint shop.
- 3.11.2 Automobile Repair, Minor: Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation under “Automobile Repair, Major” Section 3.11.1
- §3.12 Automobile Service, Gas or Filling Station: A place which provides for the servicing, washing and fueling or operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto.
- §3.13 Bed and Breakfast Inn: A residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. The breakfast provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the inn.
- §3.14 Board of Supervisors: Humboldt County Board of Supervisors.
- §3.15 Board of Zoning Adjustment: The Planning Commission.
- §3.16 Boarding House: A dwelling or part thereof where meals or meals and lodging are provided for compensation for three (3) or more persons, not transient.
- §3.17 Building: Any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building, except as regards minimum side yard requirements.
- 3.17.1 Building, Accessory: A detached subordinate building located on the same building site as the main building and designated and intended for a use that is subordinate to the use of the main building.
- 3.17.2 Building, Main: A building in which is conducted the principal use of the building site on which it is situated.
- 3.17.3 Building Site: See Lot.
- §3.18 (These sections amended by Ord. 07-01 on 2/12/07) Building Inspector – shall be appointed by the City Manager.
- §3.19 Building Official shall be appointed by the City Manager. (End of sections amended by Ordinance 07-01 on 2/12/07)
- §3.20 Camp, Public: Any area or tract of land used or designated to accommodate temporarily two (2) or more camping parties, traveling by automobile or otherwise.
- §3.21 Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbarium, crematories, mausoleums,

mortuaries and chapels, when operated in conjunction with and within the boundary of such cemetery.

§3.22 City: The City of Ferndale.

§3.23 City Council: The City Council of Ferndale.

§3.24 Court: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.

§3.25 Commission, Planning Commission: The Planning Commission of the City of Ferndale, State of California.

§3.26 Communication Equipment Building: A building which houses electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.

§3.27 Distance Between Structures: The shortest horizontal distance measured between the vertical walls of two structures.

§3.28 Density Bonus: As defined by Government Code Section 65915 et seq., an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the owner/developer of a housing project who agrees to construct a senior housing project or a prescribed percentage of dwelling units that are affordable to households of very low; low; and/or moderate income. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.

~~§3.28~~§3.29 Dwelling: Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, labor camp, hotel or motel.

~~3-28-13~~.29.1 Dwelling, Single Family: A building containing exclusively one dwelling unit.

~~3-28-23~~.29.2 Dwelling, Two-Family or Duplex: A detached building under one roof, designed for or occupied exclusively by two families living independently of each other.

~~3-28-33~~.29.3 Dwelling, Multiple: A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding boarding houses, motels, mobile home parks, hotels, fraternity or sorority houses and private residence clubs.

~~3-28-43~~.29.4 Dwelling Unit: One room, or a suite of two (2) or more rooms, designed for, intended for, or used by one family, where the family lives, sleeps and cooks and which unit has one kitchen or kitchenette.

~~§3.29~~§3.30 Emergency Repairs: Repairs made to any structure, whether used for residential, commercial or other uses, in the immediate period following damage by earthquake, fire, wind, hail, or collision, provided that such repairs will bring the structure to its original design. Such repairs include: re-roofing, repairing fire damage, painting, re-painting, paint scraping, and replacing windows, drainpipes, railings, and small structural ornamentation.

§3.31 Emergency Shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

~~§3.30~~§3.32 Emergency Vehicle: Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, police enforcement, sanitation, sewage, drainage, flood control and public utility maintenance and service.

~~§3.31~~§3.33 Family: One or more persons living together in a dwelling unit, which common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. FAMILY does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, convents, residential care facility or military barracks, nor does it

~~include such commercial group living arrangements as boardinghouses, lodging houses and the like. A person living alone, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel or fraternity or sorority house. A family shall be deemed to include necessary servants.~~

~~§3.32~~§3.34 **Farm Dwelling:** A dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm, as distinguished from quarters for seasonal labor.

~~§3.33~~§3.35 **Frontage:** All the property on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

~~§3.34~~§3.36 **Fur Farm:** A place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.

~~§3.35~~§3.37 **Garage:**

~~3.35.13~~3.37.1 **Garage, Private:** An accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport.

~~3.35.23~~3.37.2 **Garage, Public:** Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.

~~3.35.33~~3.37.3 **Garage, Storage:** Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.

~~§3.36~~§3.38 **Ground Coverage:** The percentage of the total area that is covered by structures as herein defined.

~~§3.37~~§3.39 **Hog Farm:** Any premises used for the raising or keeping of three (3) or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation.

~~§3.38~~§3.40 **(This section amended by Ordinance 08-03) Home Occupation:** Any use which, as determined by this ordinance, is customarily carried on within a dwelling or unattached structure by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. (End of section amended by Ordinance 08-03)

~~§3.39~~§3.41 **Hotel:** Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six (6) or more transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses.

~~§3.40~~§3.42 **Incidental and/or Appurtenant Uses:** Small and/or related activities other than the uses specified under "Agricultural Service-Related Business," which are available or are conducted on the site during the same hours of the principal activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies, small-scale plant nurseries and landscape supplies, home improvement supplies and books, canning and kitchen supplies,

work clothes, pruning or composting workshops, deli (not exceeding 200 sq. ft.), gift items or handcrafted items.

~~§3.41~~§3.43 Instruction, Commercial: Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including, but not limited to instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering.

~~§3.42~~§3.44 Junk Yard: Any aggregate area of more than two hundred (200) square feet within any parcel, lot or contiguous lots which is used as a place where imported waste, inoperable household appliances, inoperable machinery, inoperable motor vehicles, portions of inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. This includes but is not limited to auto and trailer wrecking yards, scrap metal yards, wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel material and equipment. This does not include the above activities when conducted entirely within completely enclosed buildings nor the sale or storage of used cars, farm machinery, trailers or boats in operable condition, nor the salvage of materials incidental to manufacturing or farm operations, provided such salvage takes place where the manufacturing or farming is done.

~~§3.43~~§3.45 Kennel: Any premises, except those accessory to an agricultural use, where five (5) or more small domestic animals, not sick or injured, are boarded, cared for or trained for compensation, or are kept for sale or breeding purposes.

~~§3.44~~§3.46 Kitchen or Kitchenette: Any space used or designated to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable.

~~§3.45~~§3.47 Licensed Premises: Premises licensed by the Alcoholic Beverage Control Board of the State of California for the sale and consumption of alcoholic beverages on the premises.

~~§3.46~~§3.48 Living:

~~3.46.13~~48.1 Living Area: The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

~~3.46.23~~48.2 Living Quarters: One or more rooms in a building designed, intended for or used by one or more individuals for living or sleeping purposes, but which does not have cooking facilities.

~~§3.47~~§3.49 Lot:

~~3.47.13~~49.1 Lot, Building Site: A parcel of land, exclusive of public streets or alleys, occupied or intended to be occupied by a building or group of buildings, together with such open space, yards, minimum width and area as are required by these regulations, and having full frontage on an improved and accepted public street which meets the standard of widths and improvements specified by the *City of Ferndale* for the street in question, or having either partial frontage on such street or access thereto by record right-of-way or record easement, which partial frontage right-of-way or easement is determined by the Commission to be adequate. In subdivided areas, a building site is any portion of a filed and recorded lot or any combination of contiguous lands, including more than a lot which meets the minimum area and width requirements of the zone in which it is located and which is so shaped that a building having the minimum area as set forth in the building code for the purpose intended for said building could be constructed in compliance of all yard requirements of that zone. As used herein, "lot" is not restricted to a parcel of land identified and filed and recorded as a subdivision by lot number.

3.47.23.49.2 **Lot, Corner:** A lot abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

- a. The front yard of a corner lot is the yard adjacent to the shortest street frontage.
- b. The rear yard of a corner lot extends to the side yard adjacent to the street
- c. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

3.47.33.49.3 **Lot, Interior:** A lot other than a corner or key lot.

3.47.43.49.4 **Lot, Key:** The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

3.47.53.49.5 **Lot Area:** The total horizontal area included within lot lines, but excluding any portion of such area that has been dedicated for public right-of-way purposes.

3.47.63.49.6 **Lot Depth:** The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines

3.47.73.49.7 **Lot Lines.** The property lines bounding the lot. The definitions herein are applicable to lots that are basically square or rectangular in shape. When these definitions are not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official, subject to review by the Planning Commission.

- a. **Lot Line, Front:** The line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.
- b. **Lot Line, Rear:** In the case of an interior Lot, the line opposite and most distant from the front lot line. In the case of a triangular or wedge-shape lot, for measurement purposes, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- c. **Lot Line, Side:** Any lot lines not a front or rear lot line.

3.47.83.49.8 **Lot Width:** The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line. Whenever this definition cannot be applied due to irregularity in the shape of the lots, the lot width shall be as determined by the Administrative Official subject to review by the Planning Commission.

§3.50 **Manufactured Home:** A residential structure constructed entirely in the factory, and which since June 15, 1976, has been regulated by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

§3.48§3.51 **Minor Repair & Routine Maintenance:** Such repair and maintenance which may include re-roofing; painting; re-painting, re-surfacing; paint scraping; replacement of windows; drainpipes, railings, and small structural ornamentation; and replacement of individual boards in a wooden porch with fresh identical lumber, if the status quo or original design is maintained.

§3.52 **Mobile Home:** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing.

~~§3.49 — Mobile homes:~~

~~3.49.1 — Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with 7.14.2 of this ordinance, with the following exceptions:~~

- ~~a. — In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.~~
- ~~b. — Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.~~
- ~~c. — By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.~~

~~3.49.2 — Mobile homes on individual lots: A mobile home shall be permitted on an individual lot as a single family dwelling unit, only if it meets the following requirements:~~

- ~~a. — Eligibility:
 - ~~i. — The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.~~
 - ~~ii. — The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City.~~
 - ~~iii. — The mobile home must comply with all development standards specified in the zone in which the mobile home is to be placed.~~
 - ~~iv. — The mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.~~~~
- ~~b. — Compatibility: Mobile homes shall be considered compatible in those areas outside of the Design Control Combining or D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.~~

~~§3.50 — Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:~~

~~3.50.1 — Minimum lot area: one (1) acre.~~

~~3.50.2 — Minimum recreation space: 10% of site~~

- ~~3.50.3~~ — ~~Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.~~
- ~~3.50.4~~ — ~~All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.~~
- ~~3.50.5~~ — ~~All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.~~
- ~~3.50.6~~ — ~~The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.~~

~~§3.51~~§3.53 **Motel:** A building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests which is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto court, tourist court, motor hotel, but does not include accommodation for mobile homes or trailers.

~~§3.52~~§3.54 **Non-Conforming Buildings:** A building, structure or portion thereof which lawfully existed at the time of the adoption of these regulations but which does not conform to all the heights and area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

~~§3.53~~§3.55 **Nurseries and Greenhouses:** Buildings and premises for the propagation, display, and retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.

~~§3.54~~§3.56 **Office:**

~~3.54.13~~3.56.1 **Office, Business:** An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments or the keeping of records and accounts pertaining to the particular business.

~~3.54.23~~3.56.2 **Office, Professional:** An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and which includes medical or dental laboratories.

~~§3.55~~§3.57 **Owner:** The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner.

~~§3.56~~§3.58 **Person:** Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

~~§3.57~~§3.59 **Planning Commission:** The Planning Commission of the City of Ferndale, as created by City Ordinance, hereafter referred to as the Commission.

~~§3.58~~§3.60 **Public Use:** A use operated exclusively by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience or general welfare, and which includes but is not limited to such uses as schools, parks, playgrounds, educational,

recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities.

~~§3.59~~§3.61 **Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, and including, but not limited to, such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls or private hospitals.

~~§3.60~~§3.62 **Recreational:**

~~3.60.13~~3.62.1 **Recreational, Commercial:** Recreation facilities open to the general public for a fee, or restricted to members when operated for profit as a business.

~~3.60.23~~3.62.2 **Recreational, Private, Noncommercial:** Clubs or recreation facilities operated by a nonprofit organization and open only to bonafide members of such nonprofit organization and their guests.

~~§3.61~~§3.63 **Residential Care Institution:** The rooming or boarding of any aged or convalescent person whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Residential Care Institution shall include: sanitarium, rest home and convalescent home.

~~§3.62~~§3.64 **Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located or produced upon other sites under the same ownership as that of such nonprofit organization and their guests.

~~§3.63~~§3.65 **Routine Maintenance:** See Section 3.48 Minor Repair.

~~§3.64~~§3.66 **Secondary Dwelling Unit:** A separate residential unit, containing sleeping, kitchen and bathroom facilities, created on a lot zoned R-1 or R-S that already contains one legally created residential unit. A secondary dwelling unit may be created by: (The entire section 3.64 was amended by Ordinance 03-03 on July 14, 2003)

~~3.64.13~~3.66.1 **Alteration of an existing residential structure whereby kitchen and bathroom facilities are not shared in common; or**

~~3.64.23~~3.66.2 **Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a residential structure; or**

~~3.64.33~~3.66.3 **Addition of a separate unit onto an existing residential structure or**

~~3.64.43~~3.66.4 **Construction of a separate structure on a lot in addition to an existing residential structure.**

~~§3.65~~§3.67 **Setback Line:** A line established by these regulations or by other ordinance or regulation to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

~~§3.66~~§3.68 **Sign:** Any writing, pictorial representation, object, structure, symbol, display, banner or streamer, which is intended to identify, announce, direct attention to or advertise; or which is used to decorate or illuminate for commercial purposes; or attract attention to any privately owned property or premises; or is intended to inform the public of sales, rentals, leases or other activities; or is provided by a public agency for a public purpose required or specifically authorized by law, statute or ordinance, or for the protection of the public health, safety or welfare. (The entire Section 3.66 was amended by Ordinance 02-03 on October 14, 2002)

~~3.66.13~~3.68.1 **Sign, Abandoned:** A sign which no longer applies to the business or property, due to the lack of a business licenses or a change in business name or for any other reasons, rendering the sign not applicable to the premises involved.

~~3.66.23~~3.68.2 **Sign, Double-faced:** A sign that has two (2) sign faces.

~~3.66.33~~3.68.3 **Sign, Exterior:** A sign which is located on the outside of a building or business premises, located on a vacant property or painted on or attached to either the inside or outside of a door or window.

~~3-66-43.68.4~~ Sign, Illuminated: Any sign that can radiate light.

~~3-66-53.68.5~~ Sign, Interior: A sign which is located on the interior of a building or structure and is within the first five (5) feet of the exterior surface of a building or structure, excluding signs which are primarily designed for the information of persons within a building.

~~3-66-63.68.6~~ Sign, Multifaced: A sign that has more than two (2) sign faces.

~~3-66-73.68.7~~ Sign, Political: Any display utilized for the purpose of proposing or opposing the election of a candidate or ballot measure.

~~3-66-83.68.8~~ Sign, Portable: Any freestanding sign, including Sandwich Board.

~~3-66-93.68.9~~ Sign, Special Events: Any sign or banner that announces an upcoming event.

~~3-66-103.68.10~~ Sign, Temporary: Any sign constructed of paper, cloth or other similar temporary material which may be affixed or placed in the window of a commercial building to inform the public of a sale, event or other activity which is occurring on the premises. Temporary signs may remain in place for no more than thirty (30) days, unless exempted by the Planning Commission. (This entire section 3.66 was amended by Ordinance 02-03 October 14, 2002.)

~~§3-67~~~~§3.69~~ Stable:

~~3-67-13.69.1~~ Stable Private: A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests.

~~3-67-23.69.2~~ Stable Public: A stable other than a private stable; generally, where horses are available for hire, or are sheltered and fed for compensation.

~~§3-68~~~~§3.70~~ Street: A public or private right-of-way that provides a primary means of access to abutting property.

~~§3-69~~~~§3.71~~ Street Line: The boundary between a street right-of-way and abutting property.

~~§3-70~~~~§3.72~~ Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but not limited to: signs, fences, walls used as a fence, mailboxes, flag poles, solar panels, ham radio antenna, telecommunications facilities, wind turbine towers, and swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up. (This section amended by Ordinance 05-02 on 5/7/05.)

~~§3-71~~~~§3.73~~ Structural Alteration: Any change in the structural members of a building, such as bearing walls, columns, beams or girders.

~~§3.74~~ Supportive Housing: As defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

~~§3-72~~~~§3.75~~ Timber Production: The systematic harvesting and reseedling of timber stands in accordance with practices designed to maintain the productive capacity of the land, preserve the watershed and conserve the soil.

~~§3-73~~~~§3.76~~ Timber Products Processing Plants: Buildings and premises for the commercial processing of wood and wood products, including but not limited to, sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial use and shall be permitted in the zones designed to accommodate such uses.

~~§3-74~~~~§3.77~~ Trailer: Any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters or occupation or use as a selling or advertising device, or use for storage or

conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the term "camp trailer," "trailer coach," "automobile trailer" and "house trailer," except when the latter falls within the definition of "mobile home." Trailers are considered structures for the purpose of these regulations when they are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage or similar auxiliary services necessary for the human habitation of the court or camps.

~~§3.75~~§3.78 **Trailer Camp:** Any lot or parcel thereof or parcel of land which is used or offered as a location for one or more trailers of camping, weekend or temporary occupancy. As distinguished from a Mobile Home Park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

~~§3.76~~§3.79 **Trailer Court or Trailer Park:** See Mobile Home.

~~§3.77~~§3.80 **Transient:** When used in conjunction with boarding or lodging, services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months, except for bed and breakfast inns. This period shall be limited to a maximum of fourteen (14) consecutive days.

§3.81 **Transitional Housing: Defined in Section 50675.2 of the Health & Safety Code as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.**

~~§3.78~~§3.82 **Use:** The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

~~3.78.13~~3.82.1 **Use, Accessory:** A use legally permitted in the zone which is incidental to and subordinate to the principal use of the site or a main building on the site, and serves a purpose which does not change the character of the principal use.

~~3.78.23~~3.82.2 (This section amended by Ord. 07-01 on 2/12/07) **Use, Conditional:** A principal or accessory use of land or of structures thereon which may be essential or desirable to the public convenience or welfare in one or more zones, but which may also impair the integrity and character of the zone or adjoining zone, or be detrimental to the public health, morals or welfare unless additional restrictions on the location and extent of use are imposed and enforced. Such use shall become a "principal permitted use" or "accessory permitted use" when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use will remain "conditional" so long as the restrictions are complied with, but shall become an "illegal use" whenever and so long as the restrictions are not complied with. Conditional Use Permits run with the land. (End of section amended by Ordinance 07-01 on 2/12/07)

~~3.78.33~~3.82.3 **Use, Nonconforming:** A use which lawfully occupied a building or land at the time of the adoption of these regulations and which does not conform to the use regulations of the zone in which it is located.

~~3.78.43~~3.82.4 **Use, Principal Permitted:** The primary use of land or of a main building which is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to

conduct such principal permitted use without securing special permission, subject only to such general limitations as off-street parking and site plan approval which are generally applied to all uses in that zone.

~~§3.79~~§3.83 **Wrecking Yard:** See Junk Yard, Section 3.42.

~~§3.80~~§3.84 **Yard:** An open space other than a court on the same site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping or as specified elsewhere in this ordinance, but not including any portion of any street, alley or road right-of-way, except as specified elsewhere in these regulations.

~~3.80.13~~3.84.1 **Yard, Front:** A yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shortest street frontage.

~~3.80.23~~3.84.2 **Yard, Rear:** A yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends to the side yard adjacent to the street.

~~3.80.33~~3.84.3 **Yard, Side:** A yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

~~§3.81~~§3.85 **Yard Sale:** An activity involving the sale of used and second-hand goods which are the personal property of the owner or resident of the parcel on which the sale is being conducted, or for a joint yard sale carried out by two or more households, where at least one participant is the owner or resident of the parcel on which the yard sale is being conducted, but which activity is not part of a commercial operation subject to regulation by the State Board of Equalization or the business license ordinance of the City, the use remaining clearly incidental and subordinate to the residential use of the parcel.

~~§3.82~~§3.86 **Zone:** A portion of the territory of the City of Ferndale within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. The word "zone" shall include the word "district."

ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONES

§4.01 Principal Zones: The several zones, hereby established, and into which the City may be divided, are as follows:

ZONE	DESIGNATION
Residential Suburban	RS
Residential One Family	R1
Residential Two Family	R2
Residential Multiple Family	R3
Apartment-Professional	R4
Neighborhood Commercial	C1
Community Commercial	C2
Agricultural Services Commercial	CAG
Highway Service Commercial	CH
Limited Industrial	ML
Heavy Industrial	MH
Floodway	FW
Flood Plain	FP
Planned Development	PD
Agriculture-Exclusive	AE
Public Facility	PF

§4.02 Combining Zones: In addition to the principal zones established in Section 4.01, certain combining regulation zones are hereby established as follows:

ZONE	DESIGNATION
Agriculture	-A
Special Building Site	-B
Recreation	-X
Design Control	-D
Qualified Combining	-Q
<u>Housing Combining</u>	<u>-H</u>

§4.03 Location of Boundaries of Zones: The designation, location and boundaries of the above zones shall be delineated on the zoning map of the City. Said map and all notations, references, data and other information shown shall be a part of these regulations, and such map shall constitute Section 4.04.

§4.04 Zoning Map: This section consists of the zoning map of the City, which may be amended in whole or in part in accordance with the amendment procedure set forth in Article VIII. All incorporated territory of the City shall be classified as specified by the zoning map adopted as a part of these regulations.

§4.05 Uncertain Boundaries: Where uncertainty exists with respect to the boundaries or the various zones, the following rules shall apply:

4.05.1 Streets or alleys: Where the indicated zoning boundaries are approximate street or alley lines, the center lines of such shall be construed to be the boundaries of such zone.

- 4.05.2 Lot lines: Where the zoning boundaries are not shown to be streets or alleys, and where property has been or may hereafter be divided into blocks and lots, the zoning boundaries shall be construed to be lot lines; and where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the boundaries of said zone, unless said boundaries are otherwise indicated.
- 4.05.3 Scale on map: Where property is indicated on a zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary lines are not approximately street, alley or lot lines, the zone boundary lines on said zoning map shall be determined by scale contained on such map; and where uncertainty exists, the zone boundary line shall be determined by the Planning Commission. In the event property is shown as acreage on the zoning map, the Planning Commission, after notice to the owners of the property affected thereby, may interpret the map and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purpose of these regulations and conform to the street, block and lot layout on the ground. Such interpretation shall be by written decision, and thereafter the zoning map shall be changed to conform thereto.
- 4.05.4 Vacated street or alley: In the event a dedicated street or alley shown on the zoning map is vacated by resolution or ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two (2) or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.
- §4.06 Limitations on Land Use and Structures, except as otherwise provided in Article IX:
- 4.06.1 Use requirements: No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the zone in which such buildings, land, or premises is located.
- 4.06.2 Height requirements: No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located except as provided in Article VII.
- 4.06.3 Area requirements: No building or part thereof or structure shall be erected nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations hereinafter designated for the zone in which such building or open space is located.
- 4.06.4 Duplicate use of open space and yards: No yard or other spaces provided about any buildings for the purpose of complying with provisions of these regulations shall be considered as providing a yard or open space for a building on any other building site unless specifically permitted elsewhere in these regulations.

ARTICLE 5: REGULATIONS FOR THE PRINCIPAL ZONE:

§5.01 In addition to the regulations specified in this Article for each of the principal zones, the general regulations set forth in Article VII shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this Article and the general regulations set forth in Article VII, the Planning Commission shall determine which of the conflicting regulations shall be applicable.

§5.02 Residential-Suburban or R-S Zone.

The Residential-Suburban or R-S Zone is intended to be applied in areas of the City which are particularly suited to large lot development of single-family homes. The following regulations shall apply in all Residential-Suburban or R-S Zones:

5.01.15.02.1 Principal permitted uses:

- a. Single-family dwellings.
- b. Servants' quarters and guesthouses.
- c. Keeping no more than eight (8) household pets on each lot.

5.01.25.02.2 Uses Permitted with a Use Permit:

- a. Private institutions.
- b. Private recreation facilities, including golf courses.
- c. Bed and breakfast inns.
- d. Secondary dwelling units.

5.01.35.02.3 Other Regulations:

- a. Minimum lot area: one (1) acre.
- b. Minimum lot width: 125 feet.
- c. Minimum lot depth: 110 feet.
- d. Minimum yards: front, 20 feet; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 feet, or need be more than 12 feet.
- e. Maximum building height: 35 feet.

5.01.45.02.4 Development Criteria: Any single family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.

- f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the revisions of Article XI.

§5.03 Residential One-Family or R1 Zone

The Residential One-Family or R1 Zone is intended to be applied in areas of the City where topography, access, utilities, public services and general conditions make the area suitable and desirable for single-family home development. The following regulations shall apply in all Residential One-Family or R1 Zones:

5.01-55.03.1 Principal permitted uses:

- a. Single-family dwellings.
- b. Boarding of not more than two (2) persons not employed on the premises.
- c. Keeping no more than four (4) household pets for each dwelling unit.

5.01-65.03.2 Uses permitted with a Use Permit:

- a. Guest houses and servants' quarters.
- b. Public and private non-commercial recreation facilities, including golf courses.
- c. Bed and breakfast inns.
- d. Secondary dwelling units.

5.01-75.03.3 Other regulations:

- a. Minimum lot area: 6,000 square feet.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Minimum yards: front, 20 feet; rear, 15 ft; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- e. Maximum ground coverage: 35%.
- f. Maximum building height: 35 feet.

5.01-85.03.4 Development Criteria: Any single family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.

f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any

appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.04 **Residential Two-Family or R2 Zone.**

The Residential Two-Family or R2 Zone is intended to be applied in areas of the City close to urban centers where all utilities and services are available and where housing demand justifies a density of two families on each building site. The following regulations shall apply in all Residential Two-Family or R2 Zones:

5-01-95.04.1 Principal permitted uses:

- a. Single family dwellings.
- b. Two-family dwellings.
- c. Boarding of not more than two (2) persons not employed on the premises.
- d. Keeping no more than four (4) household pets for each dwelling unit.

5-01-105.04.2 Uses permitted with a Use Permit:

- a. Guest houses and servants' quarters.
- b. Private institutions.
- c. Bed and breakfast inns.

5-01-115.04.3 Other Regulations:

- a. Minimum lot area: 6,000 square feet.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 40%.
- e. Minimum yards: front, 20 ft; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- f. Maximum building height: 35 feet.

5-01-125.04.4 Development criteria: Any two-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
- f. The Planning Commission may allow a single family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any

appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.05 Residential Multiple-Family or R3 Zone.

The Residential Multiple Family or R3 Zone is intended to be applied in areas of the City where it is reasonable to permit and protect low-density Apartment developments. The following regulations shall apply in all Residential Multiple Family or R3 Zones:

5-01-135.05.1 Principal permitted uses:

- a. Single family dwellings.
- b. Dwelling groups and multiple dwellings for not more than four (4) families.
- c. Keeping no more than two (2) household pets for each dwelling unit.
- d. Bed and breakfast inns.

5-01-145.05.2 Uses permitted with a Use Permit:

- a. Hotels, motels, mobile home parks and boarding houses.
- b. Private institutions.
- c. Professional offices.

5-01-155.05.3 Other regulations:

- a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 60%.
- e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
- f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
- g. Maximum building height: 45 feet.

5-01-165.05.4 Development criteria: Any multiple-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
- f. The Planning Commission may allow a multiple-family dwelling to be constructed or placed within the City of Ferndale with alternative

development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.06 **Apartment-Professional or R4 Zone.**

The Apartment-Professional or R4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment-Professional or R4 Zones:

5-01-175.06.1 Principal permitted uses:

- a. Single family dwellings.
- b. Professional and business offices.
- c. Commercial instruction.
- d. Boarding houses.
- e. Keeping no more than two (2) household pets for each dwelling unit.
- f. Hotels and motels.
- g. Bed and breakfast inns.
- h. Art galleries.

5-01-185.06.2 Uses permitted with a Use Permit:

- a. Mobile home parks.
- b. Private institutions.
- c. Social halls, fraternal and social organizations.
- d. Noncommercial recreation facilities.
- e. Mortuaries.
- f. Small animal hospitals completely enclosed within a building.

5-01-195.06.3 Other Regulations

- a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
- b. Minimum lot width: 60 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 60%.
- e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
- f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
- g. Maximum building height: 45 feet.

5-01-205.06.4 Development criteria: Any R-4 Zone building constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and

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- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - f. The Planning Commission may allow an R-4 Zone building to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission may be taken in accordance with the provisions of Section XI, Appeals.

§5.07 Neighborhood Commercial or C1 Zone-

The Neighborhood Commercial or C1 Zone is intended to provide for neighborhood shopping centers which provide convenient sales and service facilities to residential areas, detracting from the residential desirability of such areas. The following regulations apply in all Neighborhood Commercial or C1 Zones.

5-01-215.07.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.

5-01-225.07.2 Uses permitted with a Use Permit

- a. Dwellings, hotels, motels, boarding houses and mobile home parks.
- b. Small animal hospitals, completely enclosed within a buildings.
- c. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5-01-235.07.3 Other Regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 35 feet.

§5.08 **Community Commercial or C2 Zone**

The Community Commercial or C2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C2 Zones:

5-01-245.08.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
- e. Dwellings, hotels, motels, boarding houses and mobile home parks.
- f. Small animal hospitals, completely enclosed within a buildings.
- g. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5-01-255.08.2 Uses permitted with a Use Permit:

- a. Stores, agencies & services such as: carpentry and cabinetry & cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning & laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' & decorators' yards, plumbing shops, printing & lithographing.

5-01-265.08.3 Other regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 45 feet.

§5.09 **Agriculture Services Commercial or CAG Zone**

The Agriculture Services Commercial or CAG Zone is intended to serve the agricultural community by providing an opportunity for a business whose principal activity includes the service and selling of goods directly related to farming, dairying, pasturage, horticulture and animal and poultry husbandry in a manner consistent with the City's General Plan Goals and Policies.

5.01-275.09.1 Principal permitted uses:

- a. General Agricultural uses, such as grazing and pasturage, in keeping with Zoning Ordinance Section 7.04 while no conditional permitted use occurs on the property.

5.01-285.09.2 Uses permitted with a Use Permit:

- a. Agricultural service-related business as defined in Section 3.07.
- b. Other incidental and/or appurtenant uses as described herein and found by the Planning Commission to be consistent and not conflicting with the primary use of the property. Small and/or related activities other than the uses specified under "Agricultural Service Related Business," which are available or are conducted on the site during the same hours of the principle activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies; small-scale plant nurseries and landscape supplies; home improvement supplies and books; canning and kitchen supplies; work clothes; pruning or composting workshops; deli (not exceeding 200 s.f.); gift items and handcrafted items.

5.01-295.09.3 Other regulations

- a. Minimum lot area: four (4) acres.
- b. Minimum lot width: 100 feet.
- c. Minimum yards: front, none, except that where frontage is in a block which is partially in an R zone, the front yard shall be the same as required in such R Zone; rear, same as the rear setback requirement of the zone on either side of the property; side, 25 feet. Structures shall not be less than 25 feet from any dwelling on adjacent property.
- d. Maximum building height: 35 feet.
- e. Outdoor storage is allowed when related to a primary use. Outdoor storage areas (including area designated for trash containers) adjacent to R zones or adjacent residences shall be screened by walls, fences or adequate plantings to a height of not less than 6'.
- f. Grain and animal food is to be kept in rodent-proof containers.
- g. No unattended animals are to be left outside the buildings after business hours.
- h. Outdoor lighting, except for security purposes, shall not occur before 7:30 a.m. nor after business hours. Security lighting shall be directed downward and shielded so as not to illuminate adjacent residences.
- i. No outdoor loudspeakers or radios are allowed when property is located adjacent to residences and any "R" Zone.

§5.10 Highway Service Commercial or CH Zone

The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all Highway Service Commercial or CH Zones:

5.01.305.10.1 Principal permitted uses:

- a. Restaurants and appurtenant services.
- b. Hotels, motels and mobile home parts.
- c. Automobile service stations.
- d. Nurseries and greenhouses, retail fruit and vegetable stands.
- e. Amusement parks and commercial recreational facilities.
- f. Outdoor advertising signs and structures which identify the use or pertain directly to the service or product offered on the site.

5.01.315.10.2 Uses permitted with a Use Permit

- a. Small animal hospitals and kennels.
- b. Trailer camps.
- c. Dwellings and boarding houses.

5.01.325.10.3 Other uses which the Planning Commission finds are similar to the principal permitted uses.

5.01.335.10.4 Other regulations

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 45 feet.

§5.11 **Limited Industrial or ML Zone-**

The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones:

5.01.345.11.1 Principal permitted uses:

- a. Stores, agencies and services such as: carpentry and cabinetry and cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographing.
- b. Administrative, business and professional offices.
- c. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, research and development laboratories.

5.01.355.11.2 Uses permitted with a Use Permit

- a. Dwellings, hotels, motels and mobile home parks.
- b. Animal hospitals and kennels.
- c. Animal feed and sales yards.
- d. Manufacture of furniture, finished paper and paper products.

5.01.365.11.3 Other regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 50 feet.
- e. Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings. All equipment and materials storage areas adjacent to R Zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

§5.12 **Heavy Industrial or M-H Zone-**

The Heavy Industrial or M-H Zone is intended to apply to areas devoted to normal operations of industries, subject only to such regulations as needed to control congestion and protect surrounding areas. The following regulations shall apply to all Heavy Industrial

5-01-375.12.1 Principal permitted uses:

- a. Stores, agencies and services such as: carpentry and cabinetry and cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographing.
- b. Administrative, business and professional offices.
- c. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, research and development laboratories.
- d. Dwellings, hotels, motels and mobile home parks.
- e. Animal hospitals and kennels.
- f. Animal feed and sales yards.
- g. Manufacture of furniture, finished paper and paper products.
- h. Industrial manufacturing uses, except as provided in 5.12.2.

5-01-385.12.2 Uses permitted with a Use Permit:

- a. Dwellings, hotels, motels and mobile home parks.
- b. Hog farms, turkey farms, frog farms and fur farms.
- c. Animal products processing plants.
- d. Cemeteries.
- e. Amusement parks and commercial amusement enterprises.
- f. Junk yards and garbage dumps.
- g. Smelting or reduction of metallic ores.
- h. Trailer camps, labor camps and labor supply camps.
- i. Bag cleaning and rag works.
- j. Manufacturing, refining and storage by manufacturers or wholesalers of petroleum or petroleum products, acids, cement, explosives, fireworks, gas, glue, gypsum and inflammable fluids or gases.
- k. Drilling for oil or gas, or commercial excavation of sand, rock, gravel or other natural materials.
- l. Manufacture of concrete, pottery or asphalted paving products.

5-01-395.12.3 Other regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
- d. Maximum building height: 50 feet.
- e. Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings. All equipment and materials storage areas adjacent to R Zones

shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

§5.13 Floodway or FW Zone-

The Floodway or FW Zone is intended to be applied to lands which lie within stream or tidal channels and to adjacent areas which are periodically inundated, or which will be inundated by a "Design Flood." The "Design Flood" shall be specifically defined for each particular FW Zone upon the Zone Map. The regulations set forth in this section are intended to provide for the reasonably unrestricted passage of a "Design Flood" and to provide reasonable measures for the protection of life and property in floodway areas.

5.01.405.13.1 Principal permitted uses:

- a. General agriculture, but not including building or structures
- b. Recreational uses on open land, including public or private parks and golf courses.

5.01.415.13.2 Uses permitted with a Use Permit:

- a. Boat docks and launching facilities.
- b. Water, sewer, roadway, bridge and other such facilities necessary for public health and safety.
- c. Minor or temporary structures incidental to agricultural or recreational uses which will not impede flood flow and are of flood-proof design.
- d. Excavation of natural materials or construction of earthworks or water flow control devices.

5.01.425.13.3 Other regulations:

- a. None, except conditions in use permits.

§5.14 Flood Plain or FP Zone.

The Flood Plain or FP Zone is intended to be applied to areas other than floodway areas which have been inundated by overflow flood waters in the past and which may reasonably be expected to be inundated by such flood waters in the future. The Flood Plain Zone is intended to limit the use of areas subject to such inundation and flooding to protect lives and property from loss, destruction and damage due to flood waters and to the transportation by water of wreckage and debris. The following regulations shall apply in all Flood Plain or FP Zones:

5-01-435.14.1 Principal permitted uses:

- a. General agriculture, nurseries and greenhouses, and animal sales and feed yards, except as provided in 5.14.2.
- b. Trailer camps and mobile home parks.
- c. Roadside stands.
- d. Recreational uses, including public stables, docks, boathouses, golf courses and shooting ranges.

5-01-445.14.2 Uses permitted with a Use Permit:

- a. Residential uses, including farm dwellings.
- b. Commercial and industrial uses which, in the opinion of the Planning Commission, are compatible with contiguous zones.
- c. Recreational uses requiring enclosed buildings.

5-01-455.14.3 Other regulations:

- a. Minimum lot area: five (5) acres.
- b. Minimum lot width: 300 feet.
- c. Minimum yards: front and rear, 20 feet; side, 10 feet.

§5.15 **Planned Development or PD Zone**

The Planned Development or PD Zone is intended to apply to parcels of undeveloped land which are suitable for, and of sufficient size to contain, a completely planned development. The following regulations shall apply in all Planned Development or PD Zones:

5-01-465.15.1 Principal permitted uses:

- a. Any use or combination of uses which are so arranged or designed as to result in an overall development in conformity with the standards, intents and purposes of the General Plan of the City may be permitted with a use permit.

5-01-475.15.2 Uses permitted with a Use Permit: Applications for use permits for the development of land in Planned Development Zones shall be accompanied by a plan of the development. Such plan shall include a map or maps and such written material as may be required to show

- a. Topography of the land and contour intervals, and
- b. Proposed access, traffic and pedestrian ways, and
- c. Lot design and easements, and
- d. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses, and
- e. Areas proposed for commercial uses, off-street parking, multiple and single family dwellings, and all other uses proposed to be established within the zone, and
- f. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas, and
- g. Proposed landscaping, fencing and screening, and
- h. Such other detailed elevations, plans and other information as may be required by the Planning Commission to enable it to evaluate adequately the proposed development.

5-01-485.15.3 Other Regulations:

- a. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses, except where the over-all development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan, which shall be made a part of the approved use permit.
- b. Planned Development Zones shall be delineated on the Zoning Map by the PD designation followed by consecutive numbers to indicate the consecutive order to establishment of each such zone, and the approved plans and use permits shall constitute supplemental regulations for such zones.
- c. Use permits may specify development completion dates and provide for reversion to prior Zoning classification.

§5.16 Agriculture-Exclusive or AE Zone.

The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture-Exclusive or AE Zones:

5.01.495.16.1 Principal permitted uses:

- a. All general agricultural uses, except those specified in 5.16.2.
- b. Farm dwellings, nurseries, greenhouses and roadside stands.

5.01.505.16.2 Uses permitted with a Use Permit:

- a. Hog farms, turkey farms, frog farms and fur farms.
- b. Animal feed yards and sales yards.
- c. Agricultural and timber products processing plants.
- d. Rental and sales of irrigation equipment and storage incidental thereto.
- e. Animal hospitals.
- f. Agricultural and farm labor camps.
- g. Bed and breakfast inns.

5.01.515.16.3 Other regulations:

- a. No subdivisions or residential developments, whether by official map, record or survey or recorded subdivision, shall be permitted in Agriculture-Exclusive or AE Zones.
- b. Minimum lot area: 4 acres.
- c. Minimum lot widths: 100 feet.
- d. Maximum ground coverage: 35%.
- e. Minimum yards: front, 30 feet; rear, 20 feet; side, 10% of the lot width on each side, but not more than 20 feet shall be required.
- f. Farm outbuildings shall not be less than 20 feet from any dwelling unit on the premises.

§5.17 Public Facility or PF Zone

The Public Facility or PF Zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

5-01-525.17.1 Principal permitted uses:

- a. Public schools, parks, playgrounds and recreational facilities.
- b. Public fairgrounds and related uses.
- c. Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals, and similar uses.
- d. Emergency shelters, provided such facility complies with all of the following:
 - i. A new emergency shelter shall not be closer than 300 feet to another emergency shelter. The distance shall be measured along the street frontage from one emergency shelter to another emergency shelter.
 - ii. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering, and waiting areas. Lighting shall be placed so as to not create glare or impact adjoining parcels.
 - iii. The facility shall contain a maximum of 10 beds and shall serve no more than 10 persons.
 - iv. The facility shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to 25% the number of beds. The area shall be based on space required for seated persons. The facility shall also have an adjoining, exterior overflow waiting area of equal size to the interior waiting area. The exterior waiting area shall be fenced, screened, gated, and shall not obstruct sidewalks or driveways.
 - v. The facility shall have an interior multipurpose area separate from the sleeping area. The multipurpose area shall be large enough to accommodate maximum occupancy for the number of beds. The facility shall have an exterior gathering area equal to at least 100 ft² per bed, fenced, screened, and landscaped.
 - vi. The facility shall provide a management plan for Planning Commission review and approval. The management plan must be of sufficient detail for the Planning Commission to make a determination. The management plan must document that management is sufficient for adequate control of the facility. The management plan shall include descriptions of:
 - a) On-site manager and operational costs associated with an on-site manager;
 - b) Target Clients;
 - c) Case Management;
 - d) Client Services;
 - e) Service Limitations;
 - f) ADA Compliance;
 - g) Behavioral Guidelines;
 - h) Parking;
 - i) Facility Maintenance;
 - j) Emergency Plan; and
 - k) Security (per subsection ix below).

- vii. The number of off-street parking spaces shall be calculated per §7.16 as for a Medical and Dental Office.
- viii. Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days in any continuous 12-month period may be provided if no alternative housing is available.
- ix. The management plan shall specify the security plan for the facility. The facility shall only accept clients between the hours of 7 a.m. and 8 p.m., except in cases where clients come from a pre-arranged off-site location designated in the management plan. The facility must have a minimum of 1 fully trained staff person with at least 1 year of homeless services experience on site at all times when a client is on the premises. The management plan must document how the facility staff will coordinate with Law Enforcement and Emergency Services, including medical services, in case of an emergency. The management plan shall specify how the facility will discharge clients after hours (8 p.m. to 7 a.m.).

5.01.535.17.2 Uses permitted with a Use Permit:

- a. Penal, correctional or detention institutions and facilities for the care of mental patients.
- b. Public corporation yards, shops, repair and storage yards and buildings.

5.01.545.17.3 Other regulations:

- a. None, except as provided in use permit conditions.

ARTICLE 6: REGULATIONS FOR THE COMBINING ZONES

§6.01 The regulations set forth in this chapter for each of the Combining Zones shall modify the regulations for the principal zones with which they are combined. All uses and regulations of the principal zone shall apply in the Combined Zone, except insofar as they are modified or augmented by the uses and regulations set forth in the Combining Zone regulations.

§6.02 Agricultural Combining or -A Zone

—The Agricultural Combining or -A Zone is intended to be combined with principal R Zones in areas where average lot areas are sufficient to permit agricultural uses, including the keeping of livestock, in conformity with established usage and without creating nuisances or adverse health conditions. The following regulations shall apply in any zone which is combined with an Agricultural Combining or -A Zone:

6-01-16.02.1 Principal permitted uses:

- a. Crop and tree farming, truck gathering.
- b. Nurseries and greenhouses.
- c. Large livestock farming subject to the following limitations:
 - i. 1 horse, cow or similar large animal per ½ acre.
 - ii. 5 sheep, goats or similar size animal per ½ acre
- d. Small livestock ranching, including rabbits, chickens, and small commercial fur animals, subject to the following limitations:
 - i. 200 animals per ½ acre

6-01-26.02.2 Uses permitted with a Use Permit:

- a. Animal hospitals and kennels.
- b. Retail sales of agricultural products on premises.
- c. Raising of animals other than those listed above in this section.

6-01-36.02.3 Other regulations:

- a. Barns, corrals, pens and other structures for the keeping or housing of livestock shall be located not less than 50 feet from any residence and 20 feet from any lot line.
- b. No large livestock shall be butchered on the premises except for noncommercial use.

§6.03 Special Building Site Combining or -B Zone-

The Special Building Site Combining or -B Zone and sub-zones there under are intended to be combined with any principal zone in which sound and orderly planning indicate that lot area and yard requirements should be modified. The following regulations shall apply in any zone which is combined with a Special Building Site Combining or -B Zone in lieu of the lot area and yard requirements normally applicable in such principal zone:

Combining Designation	Building Site Area	Front Yard	Side Yard	Rear Yard
B-1	8,000 sq. ft.	25 ft.	10% of lot width, minimum of 8 ft.	10 ft.
B-2	10,000 sq. ft.	25 ft.	10% of lot width, minimum of 10 ft.	10 ft.
B-3	20,000 sq. ft.	30 ft.	10% of lot width, minimum of 15 ft.	15 ft.
B-4	One (1) acre	30 ft.	10% of lot width, minimum of 20 ft.	20 ft.
B-5	As specified on the zoning map designating any such zone, except that in no case shall these requirements be less than those required under the B-4 requirements.			
B-6	Building site area as shown on a final subdivision map of record. Front, side and rear yards to be not less than B-4 requirements unless otherwise indicated on the said final map.			

§6.04 Recreation Combining or –X Zone-

The Recreation Combining or –X Zone is intended to be combined with any principal zone in which the addition of recreational uses will not be detrimental to the uses of the principal zone or of contiguous zones. The following regulations shall apply in any zone which is combined with a Recreation Combining or –X Zone:

6.01-46.04.1 Principal permitted uses:

- a. Public and private noncommercial recreation facilities.
- b. General agriculture and roadside stands.
- c. Dwellings and offices incidental to any permitted use, but not including agricultural or farm labor camps.
- d. Trailer camps and mobile home parks.
- e. Public campgrounds.

6.01-56.04.2 Uses permitted with a Use Permit:

- a. Uses permitted with a use permit
- b. Commercial recreation facilities.
- c. Commercial uses compatible with recreational uses which, in the opinion of the Planning Commission, will not impair present and potential uses of the area.

6.01-66.04.3 Other regulations:

- a. Minimum lot area: five (5) acres.
- b. Minimum lot width: 300 feet.
- c. Minimum yards: front, rear and side: 50 feet.
- d. Maximum building height: 30 feet.

§6.05 Design Control Combining or -D Zone

(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 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:

- 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;
 - 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 structure or building may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the structure or building, a Design Review Use Permit shall be obtained.
- 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 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 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 shall advertise the vacancy(ies) (via notice in newspaper, public posting) and notify Ferndale residents to contact the City Clerk for an application, which can be picked up at City Hall or mailed to the applicant.
 - ii. Applications must be received by the City Clerk 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. A priority ranking of the Commission's recommendations as well as reasons supporting the ranking will be forwarded to the City Council for their next regular or special meeting.
 - iv. The 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 shall issue a Design Review Permit.
 - ii. If a majority of the members present deny, the applicant can change the design, or can ask that the 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 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 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 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 requires no Design Review Use Permit; if greater than \$1000, compliance shall be made under the Building Permit Ordinance.
- 6.05.9 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 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.

- 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)

§6.06 **Qualified Combining or –Q Zone-**

The Qualified Combining or -Q Zone is intended to be combined with any principal commercial zone in which residential uses constitute the predominant use of land in such zone, and in which it is desired to protect the general peace, safety, comfort, health and welfare of persons residing in such areas from impacts which may result from the introduction of new commercial uses, by regulating those uses allowed in the underlying principal zone, either as a principal permitted use or a use requiring a use permit, to those certain uses which the Planning Commission finds are compatible with the maintenance of a healthful residential living environment and the residential character of the area.

6.05.11 Principal permitted uses:

- a. Single-family dwellings.
- b. Boarding of not more than two persons not employed on the premises.

6.05.12 Uses permitted with a Use Permit:

- a. Two-family dwellings.
- b. Dwelling groups and multiple dwellings for not more than four (4) families.
- c. Professional and business offices.
- d. Commercial instruction.
- e. Private institutions.
- f. Bed and breakfast inns.
- g. Boarding houses.
- h. Outpatient small-animal clinics.
- i. Mortuaries.
- j. Plant nurseries.
- k. Stores and services of a light commercial character, conducted entirely within an enclosed building, and limited to the following uses:
 - i. Antique shops.
 - ii. Art galleries.
 - iii. Barber shops and beauty salons.
 - iv. Book stores.
 - v. Florist shops.
 - vi. Restaurants and licensed premises appurtenant thereto.
 - vii. Small-scale retail shops.
 - viii. Studios.
 - ix. Tailor and dressmaking shops.
 - x. Wholesale food preparation and catering.
 - xi. Sales of used and second-hand goods when appurtenant to any of the foregoing.
- l. Other uses as approved by the Planning Commission, provided such additional uses are specifically enumerated as a permitted use of land in the regulations for the underlying principal zone, and the Planning Commission finds that such use is both similar to, and compatible with, the Principal Permitted Uses and Uses Permitted with a Use Permit specified in subsections 6.06.1 and 6.06.2.

6.05.13 Other Regulations

- a. Minimum lot area, width, maximum lot depth, and maximum building height shall be the same as those required in the underlying principal zone.
- b. Off-street parking and loading facilities shall conform to Section 7.16 of the Zoning Ordinance.

- c. The use of land and buildings existing upon the effective date of these regulations, where said uses are in conformance with the uses and regulations specified for the underlying principal zone but are not in conformance with the uses and regulations set forth hereinabove, shall be permitted to be continued and maintained without becoming subject to the provisions of Article XII of the Zoning Ordinance, "Non-Conforming Buildings and Uses." Expansion of such pre-existing use subject to exemption under this section may be granted by the Planning Commission through the issuance of a Use Permit, provided such expansion is found to be consistent with the purpose of the –Q Zone.
- d. All other applicable City Ordinances.

(Begin section added by Ordinance 2012-01 1/5/12)

§6.07 Housing Combining Zone or –H Zone.

The –H Zone is intended to cover the existing duplex units on a portion of the Ferndale Housing Project site located on Fairview Drive and Trident Lane. This combining zone principally permits the existing duplex units. *(End section added by Ordinance 2012-01 1/5/12.)*

ARTICLE 7: GENERAL PROVISIONS AND EXCEPTIONS

§7.01 Applicability: Each and every zone shall be subject to the provisions of this Article, in addition to the requirements and regulations set forth elsewhere in this Ordinance for each of the Zones.

Accessory Building: See Section 7.10 "Height Limitations"; 7.21 "Secondary Dwellings"; and 7.26 "Yards"

§7.02 Accessory Uses: Accessory uses, as defined herein, shall be permitted as appurtenant to any permitted use, without the necessity of securing a use permit, unless particularly provided in this Article, provided that no accessory use shall be conducted on any property in any R Zone unless and until the main building is erected and occupied, or until a use permit is secured.

§7.03 Airports: Airports, heliports and landing strips for aircraft shall be permitted with a use permit in any –A, M or F Zone.

§7.04 Animals and Animal Shelters: Adult domestic animals may be kept as accessory to any residential use, according to the following schedule:

7.04.1 (Begin section amended by Ordinance 09-01 on 8/6/09) One (1) large domestic bovine and equine animal may be kept on any parcel of not less than one acre, or any same-owner contiguous parcels used only for livestock, of not less than one acre. One Additional animal may be kept for each ½ acre of area by which such parcel exceeds one acre. (End section amended by Ordinance 09-01 on 8/6/09)

7.04.2 Four (4) medium-sized domestic animals, including sheep and goats, may be kept on any parcel of not less than one acre. One additional animal may be kept for each 10,000 square feet of area by which such parcel exceeds one acre.

7.04.3 Small domestic animals, including rabbits and poultry, may be kept on any parcel of not less than 10,000 square feet, and not more than 10 such animals may be kept on such parcel. One additional animal may be kept for each 500 square feet of area by which such parcel exceeds 10,000 square feet.

§7.05 Assemblages of Persons and Vehicles: No circus, carnival, open-air or drive-in theater, automobile racetrack, religious revival tent or similar assemblage of people and automobiles shall be permitted in any zone unless a use permit is first secured in each case.

§7.06 Bed and Breakfast Inns: Bed and breakfast inns, as defined herein, shall be an allowable use within all residential and agricultural zones, subject to the following regulations:

7.06.1 Minimum lot area: 20,000 square feet.

7.06.2 Minimum main building: 2,500 square feet.

7.06.3 Maximum number of living quarters occupied for compensation, including rooming and boarding uses: four (4).

7.06.4 Bed and breakfast inns shall be conducted only by persons owning and residing in the dwelling as their principle place of residence.

7.06.5 Off-street parking, as per Section 7.16.

7.06.6 Signs, as per Section 7.23.

§7.07 Exception to Development Standards – Exceptions to Height Standards Residential zones: Any structure, building or any architectural feature of a building may be erected to a height greater than the maximum height limits in Residential Zones provided that a Special Permit is first obtained (Section 12.02). Such excess height, when allowed, will normally be conditioned upon proportional increases in the yards required.

§7.08 Fences, Hedges, Natural or Planted Growth and other Sight Obstructions: (This entire section Amended by Ordinance 05-02 on 5/7/05)

- 7.08.1 No structure, fence, art object, landscaping or other obstacle, impediment or hindrance shall obscure visibility within the sight visibility triangle for any street corner, alley intersection or driveway exit onto a street. The site visibility triangle includes the vertical area that is between three feet and ten feet above the sidewalk level, or street level if there is no sidewalk. For a corner lot, the horizontal legs of the visibility triangle are 20' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. For an alley or driveway intersecting a street, the horizontal legs of the visibility triangle are 5' long measured from the intersection of the two abutting property lines; the hypotenuse is drawn from the end points of the two legs. The Non-Conforming Uses section (Article XII) shall apply to obstructions within the site visibility triangle existing on the effective date of the application of these regulations. Nothing in this Section shall limit the abatement of a public health and safety nuisance.
- 7.08.2 (This section amended by Ord. 07-01 on 2/12/07) Fences or walls used as a fence, located in the front yard of any lot, or the street side yard of a corner lot shall not exceed four feet in height. (End of section amended by Ordinance 07-01 on 2/12/07)
- 7.08.3 In addition, no fence, or wall used as a fence, shall exceed a height of six (6) feet on any portion of a City lot. In all situations, hedges or other natural or planted growth shall be maintained so as not to obstruct any public right-of-way.
- 7.08.4 The height of a fence, or a wall used as a fence, shall be measured from the higher finished grade adjoining the fence or wall. Any fence or wall used as a fence may be erected to a height greater than the maximum height limits described in Sections 7.08.2 and 7.08.3 provided that a Special Permit is first obtained (Section 12.02). (End of entire section Amended by Ordinance 05-02 on 5/7/05)
- §7.09 Guest Houses: Guest houses are herein defined as a detached living quarter of permanent construction, without a kitchen, which is clearly subordinate and incidental to the use of the main building, on the same lot. Guest houses shall not be let, leased or rented, in whole or in part, independently of the main building.
- §7.10 Height Limitations and Modifications. Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof; but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. Accessory buildings in R Zones shall not exceed 15 feet in height.
- §7.11 *(Begin section altered by Ordinance 08-03)* Home Occupations: Home occupations, as defined herein, shall be permitted as appurtenant and accessory uses to any residential uses. If applicant complies with this section of the Zoning Ordinance, the permit will be issued administratively (over the counter). This section of the ordinance is not retroactive. The Home Occupation Permit shall:
- 7.11.1 Be a legal and lawful business; and
- 7.11.2 Produce no evidence of its existence in the external appearance of the dwelling or premises including but not limited to exterior displays such as signs, or in the creation of offensive noise, vibration, smoke, dust, odors, heat or glare, parking or traffic, or other nuisances to a degree greater than normal for the neighborhood.

- 7.11.3 Is confined completely within the dwelling or unattached structure and occupies not more than twenty five percent (25%) of the total floor space of the main dwelling (or its equivalent in an unattached structure).
- 7.11.4 Be an owner- or renter-occupied home and business.
- 7.11.5 Meet the requirements of the building inspector and fire district of jurisdiction and
- 7.11.6 Possess a current business license. If license expires, H.O.P. expires.
- 7.11.7 at time of business license renewal, produce a copy of the applicant's Liability Insurance on which a rider has been placed for the Home Occupation. *(End section altered by Ordinance 08-03)*
- §7.12 Lot Areas and Widths: Lot areas and widths which do not conform to the minimum specifications of the zone in which they are located will be permitted where the lot in question was delineated on a recorded sub-division map or was under one ownership in the effective date of these regulations and the owner thereof has not subsequently acquired adjoining property.
- §7.13 Lot Not Fronting on a Public Way. A lot not having frontage on a public way, but otherwise conforming to these regulations, may be used provided a use permit is first secured.
- §7.14 Manufactured and Mobile Homes:
- 7.14.1 Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with Section 7.14.2 of this ordinance, with the following exceptions:
- a. In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - b. Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - c. By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- 7.14.2 Manufactured and Mobile Homes on individual lots: A manufactured orA mobile home shall be permitted on an individual lot as a single-family dwelling unit, only if it meets the following requirements:
- a. Eligibility:
 - i. The manufactured or mobile home must be certified under the National Manufactured Housing ~~obile Home~~-Construction and Safety Standards Act of 1974.
 - ii. The manufactured or mobile home must be installed on a permanent foundation system designed in accordance with ~~the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City~~Health and Safety Code Section 18551.

iii. Installation of a manufactured or mobile home shall be prohibited if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home.

~~iii~~-iv. The manufactured or mobile home must comply with all development standards specified in the zone in which the ~~mobile~~ home is to be placed.

~~iv~~-v. The manufactured or mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.

- b. Compatibility: Manufactured and mobile homes shall be considered compatible in those areas outside of the Design Control Combining or -D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, manufactured and mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.

§7.15 Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:

7.15.1 Minimum lot area: one (1) acre.

7.15.2 Minimum recreation space: 10% of site.

7.15.3 Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.

7.15.4 All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.

7.15.5 All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.

7.15.6 The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

§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.
- §7.17 Public Uses: Public uses, as defined herein, shall be permitted in any zone without the necessity of first obtaining a use permit, provided, however, that the locations of proposed public uses shall be submitted to the Planning Commission for recommendation at least 30 days prior to the acquisition of sites and rights of way.
- §7.18 Public Utility Buildings and Uses: Public utility buildings and uses, including but not limited to communication equipment buildings, substations, generating plants, gasometers and transmission facilities, shall be classified as quasi-public uses.
- §7.19 Quasi-Public Uses: Quasi-public uses, including public utility uses, shall be permitted in any C or M Zone without a use permit and may be permitted in other zones subject to the securing of a use permit, provided that lines and facilities for locating service shall be permitted in all zones, and that the locations of proposed transmission lines shall be discussed with and approved by the City Council prior to the acquisition of rights of way. Height limitations shall be subject only to Public Utility Commission regulations.
- §7.20 Removal of Natural Materials: Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a use permit. A use permit shall not be required for on-site excavation and removal of materials for normal construction of buildings structures or underground facilities or where such removal is primarily for building site grading and land leveling.
- §7.21 Secondary Dwelling Units: Creation of New Secondary Dwelling Units. (Entire §7.21 amended by Ordinance 03-03 on July 14, 2003.)
- 7.21.1 As of the effective date of this section, an approved Secondary Dwelling Unit permit application shall be obtained prior to construction, conversion and/or development of a Secondary Dwelling unit. Pursuant to California Government Code 65852.2 the Secondary Dwelling Unit permit shall be considered ministerially without discretionary review or a hearing.
 - 7.21.2 An application for a permit for a secondary dwelling unit may be made by the owner or the owner's authorized agent to the Planning Department on forms provided by the Department which shall include the following data:
 - a. Name and address of the applicant

- b. Proof that, at the time of application for the Secondary Dwelling Unit permit, the applicant is the owner of the property on which the secondary dwelling unit is proposed to be located;
- c. Proof that, at the time of application for the Secondary Dwelling Unit permit, the owner occupies the property on which the secondary dwelling unit is proposed to be located.
- d. Address or description of the property.

- 7.21.3 Plans / Other information:
- a. Site Plan – An accurate scaled drawing drawn to a standard engineer or architect scale showing the following
 - i. Title – “Site Plan”
 - ii. Name, address and phone number of applicant and/or agent
 - iii. Property address and assessor parcel number
 - iv. Date, north arrow, scale
 - v. Entire parcel boundary with dimensions
 - vi. Adjacent public and private driveways, streets, alleys and easements as well as right-of-way widths of each
 - vii. Dimensions and location of all off-street parking spaces
 - viii. Location, dimensions and square footage of existing residential dwelling and accessory structures.
 - ix. Location, dimensions and square footage of proposed Secondary Dwelling Unit
 - x. Include distance from all property lines to all structures.
 - b. The City Planner may require additional information, plans and/or drawings if they are necessary to enable the Planner to determine whether the proposed secondary dwelling unit complies with the applicable provisions of this ordinance.
- 7.21.4 Development Standards:
- a. A secondary dwelling unit is permitted only on lots within in the R-1 and R-S zones
 - b. At the time of application for the Secondary Dwelling Unit permit, the applicant shall be an owner-occupant of the subject property;
 - c. The lot on which the secondary dwelling unit is sited shall comply with the minimum site area, width and depth standards prescribed for the R-1 and R-S zones
 - d. The secondary dwelling unit shall be accessory to a principal one-family dwelling in that it is subordinate and incidental to the principal dwelling
 - e. The secondary dwelling unit may either be attached to the principal dwelling, or detached from the principal dwelling
 - f. The maximum gross floor area of the secondary dwelling unit shall not exceed 640 square feet
 - g. When a single-family dwelling of less than 640 square feet exists on a lot, a larger single-family dwelling may be constructed as the principal dwelling, provided that the existing dwelling complies with the regulations for a secondary dwelling unit as prescribed herein
 - h. A secondary dwelling unit attached to the principal dwelling shall comply with the applicable development standards for additions to a single-family residence; a detached secondary dwelling unit shall conform to the applicable development standards for an accessory structure
 - i. Not more than one secondary dwelling unit shall be permitted on any one lot. A secondary dwelling unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guesthouse. A guesthouse shall not be permitted on any lot developed with a secondary dwelling unit

- j. The lot on which the secondary dwelling unit is sited shall be developed with at least two parking spaces, one per dwelling, as noted in section 7.16 of the Zoning Ordinance 02-02
 - k. The secondary dwelling unit shall provide complete independent living facilities for one or more persons. It shall include permanent separate provisions for living, sleeping, eating, cooking, and sanitation; and shall have a separate entrance which is subordinate to the entrance to the main building if located facing the street
 - l. The secondary dwelling unit may have utility services metered separately from, or with the principal dwelling unit
 - m. The secondary dwelling unit shall comply with all local, state and federal codes and standards, including the building codes as adopted by the City of Ferndale. Development of the secondary dwelling unit shall not cause the principal dwelling to violate any local, state or federal codes and standards, including the building codes as adopted by the City of Ferndale
 - n. A secondary dwelling unit that conforms to the requirements of this ordinance shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot
 - o. Secondary Dwelling Unit permits shall not be issued for secondary dwelling units that result in adverse impacts to the adequacy of water and sewer services and/or that result in adverse impacts on traffic flow, and or that result in adverse impacts on any real property that is listed in the California Register of Historic Places
 - p. All construction proposed under the Secondary Dwelling Unit permit shall be subject to architectural review. The secondary dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping
 - q. The secondary dwelling unit shall not be sold or owned separately from the principal residential unit but may be rented
 - r. The minimum separation between the main residence and a detached secondary dwelling unit shall be ten (10) feet
 - s. A detached secondary dwelling unit which is located within any portion of a required rear yard shall not exceed one (1) story or sixteen (16) feet in height, whichever is less
 - t. A detached secondary dwelling unit may not be constructed within five (5) feet of a rear or side property line
 - u. The secondary dwelling unit shall conform to any other conditions or standards which in the judgment of the City Planner are necessary to mitigate possible adverse impacts on the neighborhood.
- 7.21.5 Appeal Process: Any person aggrieved by an action of the City Planner may take an appeal to the Planning Commission by filing a notice of appeal with the City Clerk within 10 days of the action of the City Planner. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, the City Planner shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken. If the applicant wishes to appeal the

Planning Commission's decision, they would follow Article XI of the Zoning Ordinance 02-02.

§7.22 Existing Secondary Dwelling Units (Entire section 7.22 amended by Ordinance 03-03 on July 14, 2003.):

7.22.1 This Ordinance shall in no way validate an illegal secondary dwelling unit. An application for a Secondary Dwelling Unit permit may be made pursuant to the provisions of this chapter to convert an illegal secondary dwelling unit, or to allow for the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit. The conversion of an illegal secondary dwelling unit to a lawful secondary dwelling unit, or the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit shall be subject to the requirements of this ordinance.

Setbacks: See 7.26 "Yards"

§7.23 Signs and Nameplates: Nameplates (which shall be limited to a statement of the name, address, phone number and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations. Ferndale is a historically preserved community. Signs should be compatible with the environment, character and safety of the community. (Note: If the sign is to be placed in a -D Zone, it must go through the Design Review Committee. See Section 6.05.3) (The entire Section 7.23 was amended by Ordinance 02-03 on October 14, 2002.)

7.23.1 Principal permitted uses:

a. Nameplates:

- i. One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two (2) sq. ft., shall be permitted in Zones R-S, R-1, R-2, R-3 or R-4.
- ii. One nameplate, not illuminated, not exceeding four (4) square feet shall be permitted in Zones C-1, C-2, C-H, C-AG, M-L, M-H or P-F.

b. Signs

- i. One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six (6) square feet, shall be permitted in any zones.
- ii. One contractor's sign, not illuminated and not exceeding six (6) square feet, shall be permitted in any zone on a building site during construction and shall be removed prior to occupancy.
- iii. In any zone except R Zones, temporary signs placed in windows or doorways shall not exceed three (3) square feet and shall not cover more than 10% of window area in the aggregate. Temporary signs may remain in place for no more than thirty (30) days, unless exempted by the Planning Commission.
- iv. An historical plaque or sign, providing historical information about the building or site on which it is located and not exceeding three (3) square feet, shall be permitted in any zone.
- v. Public message signs, which contain only non-commercial messages such as designation of restrooms, telephone locations or parking signs and not exceeding three (3) square feet, shall be permitted in any zone.

- vi. Signs, required or authorized for a public purpose by any law, statute or ordinance, and which meet the regulations in said law, statute or ordinance, shall be permitted in any zone.
 - vii. Special event signs or banners that are approved by the Planning Commission shall be permitted in any C or M zone. Special event signs shall not exceed 10 square feet and banners shall not exceed four (4) feet in height and fifty (50) feet in length. Special events signs or banners may be displayed for no longer than thirty (30) days.
 - viii. Warning signs of danger or caution, limited to wall or fence signs and not exceeding more than three (3) square feet, shall be permitted in any zone.
 - ix. One sign, not illuminated and not exceeding 15 square feet, shall be permitted in Zones C-AG, C-H, A-E, M-L, M-H, F-W, F-P, P-D or P-F.
 - x. Political signs, limited to six (6) square feet, may be placed in any zone except P-F. Signs may be placed on private property with the consent of the property owner (or person entitled to possession) or the authorized agent, if any, provided that they will not be placed in a manner that obstructs either vehicular traffic (either by physical obstruction or obstruction of sight lines) or pedestrian traffic.
- 7.23.2 Uses permitted with a Use Permit:
- a. Signs, not illuminated and not exceeding ninety (90) square feet in the aggregate, to advertise the sale of lots in the subdivision in which they are displayed and divided into not more than three (3) signs, shall be permitted with a use permit in any zone. Individual signs shall not exceed thirty (30) square feet.
 - b. Signs, not illuminated, appurtenant to any permitted use, not over seventy five (75) square feet in the aggregate and divided into not more than three (3) single or double-faced signs, shall be permitted with a use permit in zones M-H, F-W, F-P, P-D, P-F, A-E. Individual signs shall not exceed twenty five (25) square feet.
 - c. Special use permit signs, not exceeding three (3) square feet to be used in connection with conditional uses for sites which have been granted a use permit, shall be permitted in any zone. The use permit for the sign may be granted with the conditional use permit, or may be applied for separately.
- 7.23.3 Other regulations: (§7.23.3 amended by Ordinance 06-05)
- a. In any C-1, C-2 or M-L zone, appurtenant to any permitted use, the maximum aggregate area of all signs shall not exceed the following:
 - i. On a building with forty (40) feet or less frontage on a public way, sign(s) shall not exceed 0.25 square feet for each foot of frontage. In the case of a building with frontage on more than one public way, each frontage is considered separately.
 - ii. On a building with frontage greater than forty (40) feet, sign(s) shall not exceed 0.25 square feet for each foot of frontage, to a maximum of twenty (20) square feet. In the case of a building with frontage on more than one public way, each frontage is considered separately.
 - iii. A business with a location within the interior of a structure served by an interior mall or other means of ingress and egress shall be limited to one (1) sign at each building entry identifying the building name

and a directory that may contain the names of all businesses within the building. Individual businesses within the building shall be limited to one (1) overhanging sign not to exceed three (3) square feet or one (1) flat sign not to exceed six (6) square feet.

- iv. Signs found to be of historic significance by the City Council on the recommendation of the Planning Commission may be exempt from the above requirements.
- b. In any C-1, C-2 or M-L zone, when calculating sign area, appurtenant to any permitted use, the following shall apply:
 - i. All faces of a multi-faced sign shall be included except for double-faced signs that shall count as a single-faced sign.
 - ii. With the exception of signs directly painted onto the wall surface, the area of a sign shall include the board or other material of which the sign is a part, including the framing which surrounds the sign, but excluding the brackets, posts or any other structure from which the sign is hung or covered.
- c. In the CAGDQ zone:
 - i. All signage shall be non-illuminated and non-plastic
 - ii. No more than 400 sq. ft. in total square footage
 - iii. No single sign may exceed 32 sq. ft.
 - iv. All faces of a multi-faced sign shall be included except for double-faced signs that shall count as a single-faced sign.
 - v. With the exception of signs directly painted onto the wall surface, the area of a sign shall include the board or other material of which the sign is a part, including the framing which surrounds the sign, but excluding the brackets, posts or any other structure from which the sign is hung or covered. (end of §7.23.3 which was amended by Ordinance 06-05)

7.23.4 Abatement and removal:

- a. (This section amended by Ord. 07-01 on 2/12/07) When a sign is declared nonconforming or abandoned by the City Manager, (or in his absence the Mayor) or his/her designee and is not removed or altered to conform with the provisions of this section within sixty (60) days of notification, said sign shall be deemed a public nuisance and shall be subject to the rules outlined in the Nuisance Ordinance. (End of section amended by Ordinance 07-01 on 2/12/07)
- b. No political sign shall be erected or maintained by or on behalf of a candidate prior to his/her filing of official nomination papers for public office. All political signs shall be removed within ten (10) days after the election.
- c. Any sign that is an immediate peril or menace to the public or any person, or is posted on public property or in any public right-of-way may be removed summarily (without notice) by the City. (The entire Section 7.23 was amended by Ordinance 02-03 on October 14, 2002.)

§7.24 Swimming Pools: Any pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted, with a use permit in any zone and shall be subject to the following regulations:

- 7.24.1 Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within 5 feet of any lot line. Filter and heating systems shall not be located within 10 feet of any lot line.
- 7.24.2 Ground coverage by a swimming pool shall not exceed 40% of the rear yard required of the lot on which it stands. Ground coverage by a swimming pool shall not be included in computing maximum ground coverage allotted to buildings on the lot.
- 7.24.3 Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than 4 ½ feet in height, containing no openings greater than 4 inches except for self-closing and self-latching gates on which the latch is at least 4 feet above ground level, in order that full control of access by children may be maintained.
- §7.25 Tract Offices: Temporary tract offices located on the premises of the subdivision shall be allowed with a use permit, in conjunction with the sale of lots in a subdivision.
- §7.26 Yards. The minimum yard requirements set out in Articles V and VI shall be subject to the regulations of this Section:
- 7.26.1 Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of 2 ½ feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six (6) feet into front or rear yards and three (3) feet into side yards
- 7.26.2 Detached accessory buildings shall not be located within five (5) feet of any main building nor within five (5) feet of a side line on the front ½ of the lot. Detached accessory buildings shall not be located nor constructed so that any part, including cornices and eaves, are closer than one (1) foot of a side line or rear line of the lot when located on the rear one-half of the lot. Detached accessory buildings used as a guest house shall not be located within five (5) feet of lot lines, nor within five (5) feet of an alley. Accessory buildings attached to the main buildings shall be structurally a part and shall comply with the main building yard requirements
- 7.26.3 In any R Zone, where more than one-half of the block is occupied with buildings, the required front yard shall be the average of those of the improved sites, to a maximum of that required for the zone
- 7.26.4 If any building is so located on a lot that the front or rear faces any side lot line, it shall be at least 10 feet from such side lot line.
- 7.26.5 Any dwelling located in a C or M Zone, except a dwelling over a commercial establishment, shall provide side and rear yards as required in R-3 Zones
- 7.26.6 The side yard of a corner lot shall be equal to the front yard of its key lot if any part of the main building on the corner lot is within 25 feet of the rear lot line, and shall be equal to one-half of the front yard of such key lot if all parts of the main building are more than 25 feet from the rear lot line.
- 7.26.7 (This section added by Ord. 07-01 on 2/12/07) On lots that include a right of way (street, sidewalk, or other), the setback is measured from the right of way. (End of section added by Ordinance 07-01 on 2/12/07)
- §7.27 Yard Sales: Yard Sales, as defined herein, shall be permitted as appurtenant and accessory uses to any residential use, and shall be conducted in conformity with the following regulations:

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- 7.27.1 The duration of any single yard sale shall be for no more than three (3) consecutive days.
 - 7.27.2 Not more than three (3) yard sales may be conducted within any one year period.
 - 7.27.3 Yard sales shall be restricted to daylight hours and no overnight exterior storage of yard sale merchandise shall be permitted.
 - 7.27.4 Temporary signs posted to advertise the yard sale shall be taken down within three (3) days following the conclusion of the event.
 - 7.27.5 The Planning Commission by Special Permit may modify or waive any or all of the above conditions upon a showing of good cause and following a public hearing on the request. In approving such a modification or waiver, the Planning Commission shall find that granting of the modification or waiver would not be detrimental to the health, peace, comfort, safety, or welfare of persons owning property or residing in the vicinity of the parcel receiving the adjustment.

ARTICLE 8: AMENDMENTS

- §8.01 This Ordinance may be amended as other ordinances are adopted or amended except that; regulations hereof may be amended by changing the boundaries of zones, by changing property from one zone to another, by imposing regulations not heretofore imposed, and by removing or modifying adopted regulations whenever the public necessity, convenience and welfare require such amendment, in accordance with the following procedures:
- §8.02 An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 8.03, or by action of the Planning Commission, or the City Council.
- §8.03 The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, and shall be accompanied by a filing fee and by plans and other information as may be required to describe fully the proposed amendment. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §8.04 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §8.05 Notice of the time and place of the hearing shall be given by posting in at least three public places in the City at least 10 days prior to the hearing, and by such other means as the Planning Commission may deem advisable.
- §8.06 At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- §8.07 Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations.
- §8.08 Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given by posting in at least three public places in the City, at least 10 days prior to the hearing, and by such other means as the Planning Commission may deem advisable.
- §8.09 At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued from time to time, but shall be concluded within 60 days of the commencement thereof.
- §8.10 The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report and a copy of the report has been filed with the City Council. The failure of the Planning Commission to report within 40 days after the reference to such proposed change shall be deemed to be approval of the proposed change.
- §8.11 Within 40 days of the conclusion of the hearing, or if a proposed change has been referred to the Planning Commission, within 40 days of the filing of the report on such referral or the expiration of the time for filing such report, the City Council may adopt the proposed amendment. Failure of the City Council to adopt the proposed amendment within the period set forth in this Section shall be deemed to be denial of such proposed amendment.

ARTICLE 9: VARIANCE

- §9.01 A variance from the strict application of the terms of these regulations, other than regulations pertaining to allowed land uses and those implementing requirements imposed by the laws of the United States or the State of California, directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon the findings of:
- 9.01.1 A Variance is necessary to accomplish a reasonable accommodation of the needs of a disabled person in compliance with the Americans with Disabilities Act (ADA); or
- 9.01.19.01.2 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
- 9.01.29.01.3 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~~ identical zone classification, or
- 9.01.39.01.4 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,
- 9.01.49.01.5 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.
- §9.02 Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee and by such other information as may be required to describe fully the proposed variance. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §9.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §9.04 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §9.05 At the public hearing the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §9.06 Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance applied for. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in Article IX. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §9.07 Revocation of Variances: In any case where the terms and conditions of a grant of a variance are not complied with, the Planning Commission shall give notice to the holder of such variance of this intention to revoke such variance. Proceedings for the revocation of a variance shall be conducted in the same manner as proceedings for the grant of a use permit.
- §9.08 (Added Ord. 07-01 on 2/12/07) Variances run with the land. (End section added 07-01)

ARTICLE 10: USE PERMITS

- §10.01 Use permits may be granted upon application to the Planning Commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations is, in the opinion of the Planning Commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.
- §10.02 Application for a use permit shall be filed at the office of the City Clerk upon a form provided, and shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought and shall be accompanied by a filing fee. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §10.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §10.04 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §10.05 At the public hearing the Planning Commission shall hear any person affected by the proposed use permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §10.06 Within 30 days of the conclusion of the hearing, the Planning Commission shall grant or deny the issuance of the use permit applied for. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Planning Commission to act within the time set herein shall be deemed to be a denial of the application on that date. The action of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §10.07 Revocation of Use Permits: In any case where the terms and conditions of a grant of a use permit are not complied with, the Planning Commission shall give notice to the holder of such use permit of this intention to revoke such use permit. Proceedings for the revocation of a use permit shall be conducted in the same manner as proceedings for the grant of a variance.
- §10.08 (This section added by Ord. 07-01 on 2/12/07) Use Permits run with the land. (End of section added by Ordinance 07-01 on 2/12/07)

ARTICLE 11: APPEALS

- §11.01 Appeals: Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within 10 days of the action of the Planning Commission. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, the Planning Commission shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken. Additionally, the City Council can appeal a determination of the Planning Commission onto itself by a majority vote of the Council issued at any Regular or Special Meeting of the Council within ten (10) days of the Planning Commission's determination.
- §11.02 The City Council shall consider the appeal and the record upon which the action appealed from was taken and shall cause the matter to be set for a public hearing.
- §11.03 Notice of the hearing shall be given by publication in a newspaper of general circulation printed and published in the County at least 10 days prior to the hearing. The hearing may be continued from time to time.
- §11.04 Within 60 days of the filing of the notice of appeal, the City Council shall render its decision on the matter. Failure of the City Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the Planning Commission
- §11.05 The decision of the City Council upon an appeal is final and conclusive as to all things involved in the matter.

ARTICLE 12: NON-CONFORMING USES and SPECIAL PERMITS.

- §12.01 Non-Conforming Uses: The lawful use of lands or buildings existing on the effective date of the application of these regulations to the subject property, although such use does not conform to the regulation applied to such subject property, may be continued, except as provided herein:
- 12.01.1 No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property.
 - 12.01.2 Any use for which a use permit is required by these regulations shall be considered a non-conforming use until a use permit is obtained.
 - 12.01.3 If any such use or building after the effective date of the application of these regulations to the subject property is destroyed to the extent of 60% or more, then the subject property shall become subject to the regulations applicable to the subject property, and any subsequent use or buildings shall be in accordance with such regulations.
 - 12.01.4 Any interruption of a non-conforming use, or the use of a non-conforming building which continues for 12 months or more, shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.
 - 12.01.5 Ordinary maintenance and repair may be made to any non-conforming use or building, provided that such maintenance and repair does not exceed 25% of the actual value in any one year.
 - 12.01.6 Any use coming within the provisions of Section 7.04, concerning domestic animals appurtenant to residential uses shall, after the expiration of 6 months from the effective date of these regulations, conform to the provisions of Section 7.04.
- §12.02 Special Permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.
- 12.02.1 An owner or his agent may file an application for a special permit in the office of the Planning Department. The application shall be made upon a form prescribed by the Planning Department and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.
 - 12.02.2 Public Hearings are required for special permits.
 - 12.02.3 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
 - 12.02.4 At the public hearing the Planning Commission shall hear any person affected by the proposed special permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.

ARTICLE 13: ENACTMENT

§13.01 SEVERABILITY CLAUSE: The City Council hereby declares that it would have passed this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that one or more of such sections, subsections, paragraphs, sentences, clauses or phrases might be declared invalid, unconstitutional or void. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

§13.02 Effective Date. This Ordinance shall become effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED this 8th day of July, 2002 on the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Frances Scalvini, City Clerk

Jeffrey Farley, Mayor (2002)

First Reading:	June 10, 2002		
Second Reading:	July 8, 2002		
Enacted:	July 8, 2002		
Amended:	Oct. 14, 2002	Ord 02-03	§7.23 on signs
	July 14, 2003	Ord 03-03	§3.64 and 7.21 and 7.22 on Second Dwelling Units.
	May 7, 2005	Ord 05-02	§3.70, 6.05 and 7.08 on Design Review and Sight Obstructions
	Nov. 16, 2006	Ord 06-05	§7.23.3 on Signs in CAGDQ
	Feb. 12, 2007	Ord 07-01	Amend §2.06, §3.18, §3.19, §3.78.2, §7.08.2, §7.23.4 and add §7.26.7 §9.08 and §10.08
	Sept 9, 2008	Ord 08-03	Amend §§3.38 and 7.11 on HOP's
	Aug 6, 2009	Ord 09-01	Amend <u>Article 2</u> . Add §2.07; §6.05 and §7.04
	Dec 1, 2011	Ord 2011-04	Amend §6.05.4(d)(i)(ii)
	Jan 5, 2012	Ord 2012-01	Add §6.07 –H Housing Combining Zone

ORDINANCE NO 2013-03

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING PROVISIONS IN ACCORDANCE WITH STATE DENSITY BONUS LAW AND AFFORDABLE HOUSING INCENTIVES

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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 “Density Bonus Ordinance.”
- §1.2 **Purpose:** The purpose of this Ordinance is to specify how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low income housing units in developments proposed within the City.

Article 2 STATUTORY AUTHORITY

- §2.1 The statutory authority for this Ordinance is California Government Code §65915 and other applicable State laws.

Article 3 DEFINITIONS

- §3.1 Unless otherwise specified in this Ordinance, the definitions found in state density bonus law shall apply to the terms contained herein.

Article 4 APPLICABILITY

- §4.1 This Ordinance shall apply to all zoning districts, including mixed use zoning districts, where residential developments of five (5) or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in state density bonus law such that the resulting density is beyond

that which is permitted by the applicable zoning. This Ordinance and state density bonus law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

Article 5 APPLICATION REQUIREMENTS

- §5.1 Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall provide the City with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.
- §5.2 The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall include the following:
- 5.2.1 **Requested Density Bonus.** The specific requested density bonus proposal shall evidence that the project meets the thresholds for state density bonus law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under state density bonus law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to state density bonus law.
- 5.2.2 **Requested Incentive(s).** The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.
- 5.2.3 **Requested Waiver(s).** The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Article 9 Waivers and to the extent such limitations are exceeded will be considered as a request for an incentive.
- 5.2.4 **Fee.** Payment of the fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the state density bonus law application submitted pursuant to this Ordinance.

Article 6 DENSITY BONUS

- §6.1 A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in state density bonus law. The applicant may select from only one of the income categories identified in state density bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus.
- §6.2 The Planning Commission may approve a density bonus and/or incentive(s) in accordance with state density bonus law for a project that does not maximize the underlying base zoning density.

Additionally, nothing herein prevents the City from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

Article 7 INCENTIVES

§7.1 The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to state density bonus law.

§7.2 An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of mixed use zoning (e.g., commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

Article 8 DISCRETIONARY APPROVAL AUTHORITY RETAINED

§8.1 The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.

Article 9 WAIVERS

§9.1 A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase in floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards include, but are not limited to, a height limitation, a setback requirement, an on-site open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. There is no limit on the number of waivers.

Article 10 AFFORDABLE HOUSING AGREEMENT

§10.1 Prior to project approval, the applicant shall enter into an affordable housing agreement with the City, to be executed by the City Manager without review by the Planning Commission or City Council if the underlying application does not require review and/or approval by those bodies, to the satisfaction of the City Attorney guaranteeing the affordability of the rental or ownership units for a minimum of thirty (30) years and identifying the type, size and location of each affordable

unit. Such affordable housing agreement shall be recorded in the County Recorder’s office.

Article 11 DESIGN AND QUALITY

§11.1 Affordable units must be constructed concurrently with market rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the Building Official. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units.

§11.2 Parking standards shall be modified as allowable under state density bonus law and anything beyond those standards shall be considered a request for an incentive.

Article 12 ENACTMENT

§12.1 **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.

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

PASSED AND ADOPTED on this Xth day of March 2014 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 7: BUSINESS

Meeting Date:	February 19, 2014	Agenda Item Number	7.1
Agenda Item Title	Planning Commission Vacancy Interview		
Presented By:	Elizabeth Conner, City Clerk		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Interview Planning Commission applicant and make recommendation to the City Council for appointment.

BACKGROUND

On December 31, 2013 the City received a letter from Planning Commission and Design Review Committee Member Daniels resigning from both appointments due to taking a job out of the area. At it's meeting of January 15, 2014 the Planning Commission accepted Mr. Daniels resignation and declared a vacancy.

On January 16, 2014 the City Clerk placed a public notice of the vacancy in the Ferndale Enterprise as well as posting the notice on the City's three public bulletin boards. The notice gave February 10, 2014 as the deadline for receiving letters of interest in the position.

In the past few weeks, several citizens asked about the position. By 5:00pm on Monday January 10, 2014, one letter of interest was received. That letter is from Doug Brower, a member of the City's Design Review Committee, and is attached.

FINANCIAL IMPACT:

None.

To whom it may concern,

Please accept this as my letter of interest in serving on the Ferndale Planning Commission.

I am currently serving on the Design Review Committee and regularly attend both the Planning Commission and City Council meetings. My wife and I own and operate two businesses on Main Street and we are active members of the Chamber of Commerce. We also own and reside in a Historic home built in 1887 on Eugene Street. Our family roots have been established here since the 1980s. We love Ferndale and have a strong interest and desire to preserve Ferndale in the years to come. I have a Bachelor Degree in Business Management and am working towards two Master Degrees. I have served on several boards including a seat on the Neighborhood House Association Policy Council, The National Head Start Association, the California Head Start Association and several Church and Private organization Boards. I gained experience in construction when I worked for a General Contractor building track homes in the San Diego area when I was in High School. I also worked on the construction crew that built the Eureka Gottschalks that is now Walmart. I was the Maintenance Manager for Gottschalks after it was built and I worked as a property Manager in San Diego as well. I have since owned and operated several businesses and now that my wife and I are established here with our children in Ferndale, I desire to be an active member of our local government. I think that my experience and dedication to Ferndale would benefit the Planning Commission if selected.

Thank you for considering me for this position.

Sincerely

Doug Brower

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 01/09/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:31 a.m. Committee Members Lino Mogni, Paul Gregson, and Doug Brower were present along with Deputy City Clerk Christina Wile and City Manager Jay Parrish.

Approval of Previous Minutes: **MOTION** to approve December 19, 2013 meeting minutes **(Gregson/Brower) Unanimous.**

There were no Modifications to the Agenda or Public Comments.

447 Main Street: The Design Review Committee discussed Sign Ordinance requirements for temporary banners. Questions were raised about the hardware that would be used to attach the banners, how far the banners would extend from the front of the building, how big the lettering would be and how long the banners would be installed. City Staff was directed to contact the applicant and request additional information. The application will be reevaluated at the next design review meeting.

832 Herbert Street: Committee members directed staff to contact applicant and request a plot plan, and paint colors. The application will be considered at the next design review meeting.

638 Main Street: The Design Review Committee and Dennis Del Biaggio reviewed plans and photographs of the building. Dennis explained that the generator cover would extend 4 feet beyond the North side of the building. Siding and colors will match existing colors and materials. **MOTION** to approve replacing the front doors with windows and siding and to install a generator cover and fence for trash and air conditioning units **(Brower/Mogni) Unanimous.**

There were no Design Review Approval Sign Offs.

Correspondence: Marc Daniels submitted his letter of resignation.

There was no further business to discuss. Meeting adjourned at 8:52 am.

Respectfully submitted,

Christina Wile, Deputy City Clerk
City of Ferndale

Business Item 7.3 Building and Land Use Permits

<i>Building Permits</i>		<i>January 10, 2014 - February 10, 2014</i>
110	Shaw Ave	Drywall & Insulation
591	Arlington St	Tank Upsize
638	Main St	Remodel
1035	Rose Ave	Enclose Roof Covered Area
948	Main St	Fire Damage Repair
832	Herbert St	Remove/Replace Garage
1057	5 th St	Electrical Panel Install

NOTE: Staff will bring the Building Permit Book to the Planning Commission meetings so that any of the commissioners, or public, can view any permits that have been issued.

Meeting Date:	February 19, 2014	Agenda Item Number	7.4	
Agenda Item Title:	Set Regular Ferndale Planning Commission Meeting Schedule for 2014			
Presented By:	Elizabeth Conner, City Clerk			
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information	
Action Required:	Review and receive meeting schedule.			

RECOMMENDATION

Review and receive regular Planning Commission meetings meeting schedule for 2014.

BACKGROUND:

In order to make sure all Planning Commissioners are aware of the regularly scheduled Planning Commission meeting dates well in advance, a schedule for 2014 is being provided for information and review.

The City Council has set the date of the regular Planning Commission meetings as the 3rd Wednesday of each month at 7 pm. For calendar year 2014, therefore, the regular meeting dates of the Ferndale Planning Commission are as follows:

- Wednesday, February 19, 2014
- Wednesday, March 19, 2014
- Wednesday, April 16, 2014
- Wednesday, May 21, 2014
- Wednesday, June 18, 2014
- Wednesday, July 16, 2014
- Wednesday, August 20, 2014
- Wednesday, September 17, 2014
- Wednesday, October 15, 2014
- Wednesday, November 19, 2014
- Wednesday, December 17, 2014

FISCAL IMPACT:

None

Section 8: CORRESPONDENCE

To whom it may concern,

Please accept this as my letter of interest in serving on the Ferndale Planning Commission.

I am currently serving on the Design Review Committee and regularly attend both the Planning Commission and City Council meetings. My wife and I own and operate two businesses on Main Street and we are active members of the Chamber of Commerce. We also own and reside in a Historic home built in 1887 on Eugene Street. Our family roots have been established here since the 1980s. We love Ferndale and have a strong interest and desire to preserve Ferndale in the years to come. I have a Bachelor Degree in Business Management and am working towards two Master Degrees. I have served on several boards including a seat on the Neighborhood House Association Policy Council, The National Head Start Association, the California Head Start Association and several Church and Private organization Boards. I gained experience in construction when I worked for a General Contractor building track homes in the San Diego area when I was in High School. I also worked on the construction crew that built the Eureka Gottschalks that is now Walmart. I was the Maintenance Manager for Gottschalks after it was built and I worked as a property Manager in San Diego as well. I have since owned and operated several businesses and now that my wife and I are established here with our children in Ferndale, I desire to be an active member of our local government. I think that my experience and dedication to Ferndale would benefit the Planning Commission if selected.

Thank you for considering me for this position.

Sincerely

Doug Brower

Section 9: STAFF REPORTS

City of Ferndale, Humboldt County, California USA
Item 9.0: Staff Reports for February 19, 2014 Planning Commission Meeting.
Reporting to January 22, 2013

CITY PLANNER ACTIVITY

Task 1 – General Planning

- Coordinated with City Manager and City Clerk on planning and development projects (some Administrative function).
- Responded to public inquiry regarding Vacation Rental requirements in the Community Commercial Design Control Qualified Combining Zone (Planner and Administrative function).
- Responded to public inquiry regarding Parcel Merger application process and requirements. Revised Parcel Merger Checklist. (Administrative function)
- Attended 1/9 City Council Meeting. Prepared Continuation for Public Hearing for Ordinance No. 2013-04, An Ordinance Amending Zoning Ordinance 02-02 Design Review, Sign and Parking Regulations and 580 Main Street Update.
- Attended 1/15 Planning Commission Meeting. Prepared and presented Consider Recommending Ordinance No. 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations to the City Council for Approval and Consider Approving Design Review Use Permit for 580 Main Street.
- Reviewed Sign Ordinance for temporary banner requirements and standards (Administrative function).
- Prepared project report for 989 Milton Ave Design Review Use Permit application.
- Assisted with preparation of Design Review Committee applications and project reports, including findings and CEQA determinations (Administrative function).

Task 2 – Reimbursable Fee Planning

- 580 Main Street Design Review Use Permit Amendment – Prepared and presented project report for 1/15 Planning Commission Meeting. Corresponded with applicant (Administrative function).
- 989 Milton Ave Generator Use Permit – Processed application, corresponded with applicant, prepared project report, conducted environmental review.

Task 3 – Special Projects

- Coordinated with staff on adopted Sign Ordinance permitting requirements.

Task 4 – Additional Authorizations

- Coordinated with City Attorney on Nuisance Ordinance update. Initiated preparation of Public Notice, Ordinance and report for 2/6 City Council meeting.

Task 5 – General Plan Review Fund

- Continued preparation of Noise & Air Quality Element Chapter 4 Noise. Initiated preparation of Authorization Request to City Council to begin updating Housing Element.

CITY CLERK ACTIVITY

Meetings

- Daily Meetings with City Manager regarding work schedule.
- Attended:
 - Regular City Council Meeting 1/9/14
 - Design Review Meeting 1/23/14
- Wrote agenda items and compiled packets for:

- Regular City Council Meeting 1/9/14
- Regular Planning Commission Meeting 1/15/14
- Ad Hoc Committee on Old Nilsen Barn Uses
- Transcribed meeting minutes and uploaded meeting videos for:
 - Regular City Council Meeting 1/9/14
 - Regular Planning Commission Meeting 1/15/14
- Posted all meeting agendas and public notices on City Hall and Post Office bulletin boards.
- Transcribed minutes for Design Review Committee Jan. 23, 2014
- Uploaded meeting packets to City website.

Projects

- Daily work with front counter and telephones assisting the public, answering questions and information requests.
- Processed numerous building and DR permits, discussed with building inspector and maintained the record.
- Trained new AA Kris Tavares in the following areas: processing dog and business licenses, building permits, deposits, phone and counter protocol, renting out city facilities and maintaining the City calendar, filing systems, City databases, processing correspondence, and posting of public notices and meeting materials.
- Helped orient new Finance Officer on office procedures, phone answering, filing, calendars and other issues.
- Worked on processing parade permits, consulting with Chief Smith.
- Updated and maintained City web site (with contractor).
- Provided reports on building permits to County Auditor, CA Department of Real Estate, CA Department of Finance and US Department of Commerce.
- Posted Planning Commission vacancy notice in Enterprise and on City Hall and PO bulletin boards.
- On-going communications with contract Planners.
- Answered survey by US Dept. of Labor.
- Assisted with coding and paying bills.
- On-going correspondence with FPPC re current and future Form 700 filings.
- Discussed procedural issues with new DRC member Gregson.
- Procured office supplies and stamps for the office.
- Sent reminders, and made reminder phone calls, to PC and DRC members about upcoming meetings.
- Worked with County on auditing use of City facilities and provided information on same.
- Numerous discussions with County Elections Dept. re potential June election date; conducted research and prepared election timeline for City Manager and consulted with City Attorney on the Resolution.
- Sent and received emails daily.
- Wrote and processed City correspondence daily.
- On-going work with Joe Mellet from the County to correct sewer charges.
- Processed rental applications and fees for City Hall and Community Center.
- Updated City Calendar daily. Made copies of the City Calendar and distributed to Public Works.
- Returned cleaning deposits to Community Center and City Hall rental applicants.
- Processed dog licenses: mail and over the counter.
- Processed yearly business licenses: mail and over the counter.
- Organized and filed paperwork.
- Correspondence and discussions re 580 Main Street.
- Signed and filed resolutions and ordinances of the City Council and the Planning Commission.
- Deposited checks into the bank.

Section 10: ADJOURN