

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

Location:	City Hall	Date:	March 19, 2014
	834 Main Street	Time:	7:00pm Regular Meeting
	Ferndale CA 95536	Posted:	3/12/14

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
 - 4.1 Minutes of February 19, 2014 Regular Meeting Page 3
- 5.0 Public Comment
- 6.0 Public Hearing
 - 6.1 Consider Recommending Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance; Ordinance No. 2014-03 Density Bonus Ordinance; and Ordinance 2014-05 Reasonable Accommodation Ordinance to the City Council for Adoption Page 7
- 7.0 Business
 - 7.1 Election of Chair and Vice-Chair of Planning Commission Page 90
 - 7.2 Appoint Planning Commission Member to Serve on Design Review Committee Page 91
 - 7.3 Design Review Vacancy Update Page 92
 - 7.4 Review General Plan Annual Progress Report Page 96
 - 7.5 Review & Provide Input: Housing Element Update 2014 Initial Draft, Chapters 1 and 2 Page 103
 - 7.6 Building and Land Use Permits Status Report Page 148
 - 7.7 Design Review Committee Report Page 149
- 8.0 Correspondence and Oral Communications Page 151
- 9.0 City Planner's and City Clerk's Staff Reports Page 153
- 10.0 Adjournment

**The next regular meeting of the Ferndale Planning Commission will be on
 April 17, 2014 at 7:00 pm.**

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 February 19, 2014

Call to Order — Chairman Jorgen Von Frausing-Borch called the Planning Commission to order at 7:05 pm. Commissioners Uffe Christiansen, Lino Mogni, Dean Nielsen were present along with staff City Clerk Elizabeth Conner and Contract City Planner Rheume. Those in attendance pledged allegiance to the flag.

2.0 Ceremonial - None.

3.0 Update Agenda - None.

3.2 Commissioners comments - None

4.0 Approval of previous minutes - **MOTION:** to approve the minutes of the January 15, 2014 Meeting. **(Nielsen/Mogni) 4-0.**

5.0 Public Comment - None

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. - City Planner Rheume presented the item and explained that the City last updated the Housing Element in 2012, and throughout the process of updating and adopting the element there was a lot of public, Planning Commission, and City Council review. In 2013, the Council asked for a plan to implement the Housing Element's policies and programs. In November 2013, the Council asked to implement the plan to comply with state planning regulations. In February 2014, the Council directed Staff to update the Housing Element. She explained the reason this is before the Commission now is that the CA Department of Housing and Community Development (HCD) has set a date of June 30, 2014 for Humboldt County to have updated all the local Housing Elements in order to obtain an expedited review. She further explained that all the amendments to the Housing Element brought forward by staff are related to making the element compliant with state law and they are all required. Lastly, Planner Rheume explained that the Commission will need to make the CEQA findings included in the item. Planning Commissioner Nielsen said he was concerned about existing and amended provisions in Zoning Ordinance Section 5.17 and the principally permitted uses such as half-way houses and homeless shelters and whether it would be possible to insert the word "Ferndale" before each of the public facilities mentioned in order to insure that they would be available to Ferndale residents only, and not available to non-Ferndalers. Chair Von Frausing-Borch mentioned that the Fairgrounds are owned by the County but that the City has a say in how the property is used. Staff said they would check with the City Attorney on the matter. Commissioner Nielsen said that he thought secondary units could not be restricted in any zone according to state law so he asked why it seemed that restrictions were being added in Section 7.21.4. Planner Rheume said that a second unit would need a variance if there was not 10 ft. separation between the main dwelling unit and secondary. Commissioner Nielsen asked about Section 9.01 on the ADA and whether the requirement about allowing a variance for reasonable access will conflict with the Ferndale's historical character and Ferndale's ordinances protecting that character. He asked whether the City Attorney could be

consulted on how to comply with both requirements. Planner Rheaume said that she would consult with the City Attorney. **MOTION** to continue the public hearing until the March 2014 Planning Commission meeting so staff can come back with requested information. **(Nielsen/Mogni) 4-0.**

7.0 Business

7.1 Planning Commission Vacancy Interview. - Chair Von Frausing-Borch thanked applicant Doug Brower for his interest and willingness to serve. Other commissioners similarly commented. **MOTION** to recommend to the City Council that Doug Brower be appointed to the Ferndale Planning Commission for the term 2012-2016. **(Von Frausing-Borch/Nielsen) 4-0.**

7.2 Design Review Committee Report and Minutes. - No Design Review Minutes were available since the last Planning commission meeting. There were no comments or questions by Commissioners or public.

7.3 Building and Land Use Permits. - No comments or questions by Commissioners or public.

7.4 Set Regular Planning Commission Meeting Schedule for 2014. - Chair Von Frausing-Borch requested this item so members could plan ahead. Commissioners said it was useful.

8.0 Correspondence and Oral Communications - No comments from commission.

9.0 City Planner's and Deputy City Clerk's Staff Reports - City Clerk Conner reminded Commissioners that the Form 700 Statements of Economic Interest statements were due to FPPC by March 21 and that she had provided them with the information to file their reports and that she looked forward to receiving them in a timely manner.

10.0 Adjournment – Meeting adjourned at 8:02 pm.

Respectfully submitted,

Elizabeth Conner, City Clerk

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:	March 19, 2014	Agenda Item Number	6 1
Agenda Item Title	Consider Recommending Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance; Ordinance 2014-03 Density Bonus Ordinance; and Ordinance 2014-05 Reasonable Accommodation Ordinance to the City Council for Adoption		
Presented By:	Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Recommend that the City Council adopt three ordinances: Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance; Ordinance 2014-03 Density Bonus Ordinance; and Ordinance 2014-05 Reasonable Accommodation Ordinance. Direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption (Government Code §65855).

BACKGROUND: At the February 19th meeting, the Planning Commission reviewed Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance 2014-03 Density Bonus Ordinance. 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. The Commission had the following questions and suggested revisions that necessitated research and consultation with the City Attorney:

Zoning Ordinance §5.17 & 7.17 –insert “City of Ferndale” before each permitted public facility

Staff relayed the Commission's suggestion to insert the words “City of Ferndale” before each permitted public use in Section 5.17 to the City Attorney. The Attorney replied with the attached memo, which states that “This would have the effect of limiting the development of emergency shelters to only public facilities owned and operated by the City. This is likely not permitted under the statute because it does not facilitate and encourage the development of emergency shelters, but instead forecloses the opportunity for private development of shelters within the identified zone.” Similarly, the inserted “City of Ferndale” would limit the development and operation of the other uses to only public facilities owned and operated by the City. The City does not own or operate most of the permitted uses, nor does it intend to. The uses listed under Section 5.17.2, including penal, correctional, or detention institutions and facilities for the care of mental patients, would require a Use Permit granted by the Planning Commission. Such a Use Permit would also require a noticed public hearing, with notice published in a newspaper, posted in several places in the City, and mailed to all neighbors within 300 feet of the proposed facility location. Article 10 Use Permits was amended to ensure compliance with state Use Permit noticing and hearing requirements.

Zoning Ordinance §7.21.4 – Secondary Dwelling Units

At Commissioner Nielsen's suggestion, staff reviewed state regulations for Secondary Dwelling Units and determined that revisions to the Zoning Ordinance were required to bring the City into compliance. Section §7.21.4 of the attached Exhibit A has been revised accordingly.

Zoning Ordinance §9.04 – Variance, ADA compliance, and implications for historical buildings

At the Planning Commission's request, staff researched implications of ADA compliance in Historic Districts. When a Historic Building is required to come into compliance with ADA standards, it may use the California Historical Building Code (CHBC) to provide solutions that are reasonably equivalent

to the regular code. The CHBC allows flexibility that the regular Building Code does not. The Planning Commission is not responsible for enforcing ADA compliance.

While looking at ADA's relationship to the reasonable accommodations requirements, staff discovered a letter from the State Attorney General rejecting use of the variance or conditional use permit process to evaluate requests for reasonable accommodation, explaining that public notice and hearing process may "encourage community opposition to projects involving desperately needed housing for the disabled (California Attorney General letter, May 2001.)." Staff has prepared Ordinance 2014-05 Reasonable Accommodation to alleviate this issue and bring the City into compliance with state regulations. The proposed Ordinance has undergone legal review.

Aside from the above listed changes brought on by insightful Planning Commission comments, the attached Ordinances are unchanged from what the Commission reviewed at the February 19th public hearing. The attached City of Ferndale General Plan Housing Element Implementation 2013 explains all proposed changes to Zoning Ordinance 02-02 and may act as a guide to the attached Ordinances.

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: Move that the Commission make the following findings, recommend that the City Council adopt the following three Ordinances, and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption.

Ordinances:

1. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance
2. Ordinance 2014-03 Density Bonus Ordinance
3. Ordinance 2014-05 Reasonable Accommodation Ordinance

Findings:

1. The Negative Declaration for the General Plan Housing Element Update adopted by the City Council in December 2011 found that implementation of the Element's programs would not have a significant effect on the environment; therefore, the adoption of Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance 2014-03 Density Bonus Ordinance; and Ordinance 2014-05 Reasonable Accommodation Ordinance have been evaluated in compliance with the California Environmental Quality Act and would not have a significant effect on the environment.
2. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance; Ordinance 2014-03 Density Bonus Ordinance; and Ordinance 2014-05 Reasonable Accommodation Ordinance conform to the Ferndale General Plan.

Attachments:

1. City of Ferndale General Plan Housing Element Implementation 2013
2. Memo from City Attorney
3. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance
4. Exhibit A to Ordinance 2014-02
5. Ordinance 2014-03 Density Bonus Ordinance
6. Ordinance 2014-05 Reasonable Accommodation Ordinance

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 "h."

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.

The attached Ordinance 2014-05 was prepared 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 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.

MEMORANDUM

TO: Russ
FROM: Ryan
DATE: March 4, 2014

RE: SB 2 Compliance; Reasonable Accommodation Ordinance

Questions Presented

- I) You have asked that I review the proposed changes to section 5.17 of Ferndale's Zoning Ordinance to determine whether the proposed changes comply with Government Code section 65583 ("SB 2").
- II) You have also asked that I review the proposed "Reasonable Accommodation Ordinance".

Discussion

I) Zoning Ordinance section 5.17's compliance with SB 2

SB 2 requires that cities identify at least one zone in which emergency shelters, as defined in Government Code 65582(d), are permitted without a conditional use permit or other discretionary permit. It further requires that within the identified zone, "emergency shelters...only be subject to those development and management standards that apply to residential or commercial development within the same zone," except for particular standards enumerated in section 65583(a)(4)(A)(i-viii). (Gov. Code, § 65583(a)(4).) Finally, local governments must "demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters." (*Id.*)

The first proposed change the City seeks to implement is to insert the phrase "City of Ferndale" before each of the permitted uses within the zone, including emergency shelters. This would have the effect of limiting the development of emergency shelters to only public facilities owned and operated by the City. This is likely not permitted under the statute because it does not facilitate and encourage the development of emergency shelters, but instead forecloses the opportunity for private development of shelters within the identified zone.

The second proposed change the City seeks to implement is to enact a list of development and management standards for emergency shelters. As noted above, all development and management standards placed on shelters must not exceed those development and management standards imposed on residential and commercial development within the same zone. However, the statute does provide a list of conditions that nevertheless may be imposed on emergency shelters. Three of the City's proposed conditions are suspect and will be discussed below.

- 1) The condition that a new emergency shelter "not be closer than 300 feet to another" emergency shelter is inconsistent with SB 2. The relevant provision states that local governments may apply written, objective standards that include..."the proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart." (Gov. Code, § 65583(a)(4)(A)(v).)

- 2) Proposed section 5.17.1(v), which requires that shelters have “an interior multipurpose area separate from the sleeping area” and an “exterior gathering area,” is not provided in SB 2 as a permissible development standard on emergency shelters.
- 3) Proposed section 5.17.7(vi), which requires that potential shelter developers “provide a management plan for Planning Commission review and approval,” is also not provided for in SB 2 as a permissible condition on the development of emergency shelters and it also may violate SB 2’s mandate that emergency shelters be permitted in a non-discretionary manner. However, the statute does permit conditions for “onsite management” and “security during the hours that the emergency shelter is in operation.”

The remaining proposed development and management conditions are expressly allowed by statute.

II) Proposed “Reasonable Accommodation Ordinance”

The proposed ordinance is valid. As is noted by Melanie Rheaume, the ordinance is modeled after Eureka’s recently adopted ordinance. Further, the ordinance (with a few minor changes) implements the exact language of the Department of Housing and Community Development’s model ordinance for providing reasonable accommodation under federal and state fair housing laws. The model ordinance can be found at:

http://www.hcd.ca.gov/hpd/housing_element2/documents/MODEL_REASONABLE_ACCOMODATION_ORDINANCE.pdf

ORDINANCE NO 2014-02

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 XXX 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.

~~3-28-1~~3.29.1 Dwelling, Single Family: A building containing exclusively one dwelling unit.

~~3-28-2~~3.29.2 Dwelling, Two-Family or Duplex: A detached building under one roof, designed for or occupied exclusively by two families living independently of each other.

~~3-28-3~~3.29.3 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.

~~3-28-4~~3.29.4 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 ~~§3.35~~ **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:

~~3.46.1~~3.48.1 Living Area: The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

~~3.46.2~~3.48.2 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:

~~3.47.1~~3.49.1 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~~ 3.49.2 **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~~ 3.49.3 **Lot, Interior:** A lot other than a corner or key lot.

~~3.47.43.49.4~~ 3.49.4 **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~~ 3.49.5 **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~~ 3.49.6 **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~~ 3.49.7 **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~~ 3.49.8 **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:**

~~3.54.1~~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.

~~3.54.2~~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:**

~~3.60.1~~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.

~~3.60.2~~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)

~~3.64.1~~3.66.1 **Alteration of an existing residential structure whereby kitchen and bathroom facilities are not shared in common; or**

~~3.64.2~~3.66.2 **Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a residential structure; or**

~~3.64.3~~3.66.3 **Addition of a separate unit onto an existing residential structure or**

~~3.64.4~~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)

~~3.66.1~~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.

~~3.66.2~~3.68.2 **Sign, Double-faced:** A sign that has two (2) sign faces.

~~3.66.3~~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.

~~3-66-4~~3.68.4 Sign, Illuminated: Any sign that can radiate light.

~~3-66-5~~3.68.5 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.

~~3-66-6~~3.68.6 Sign, Multifaced: A sign that has more than two (2) sign faces.

~~3-66-7~~3.68.7 Sign, Political: Any display utilized for the purpose of proposing or opposing the election of a candidate or ballot measure.

~~3-66-8~~3.68.8 Sign, Portable: Any freestanding sign, including Sandwich Board.

~~3-66-9~~3.68.9 Sign, Special Events: Any sign or banner that announces an upcoming event.

~~3-66-10~~3.68.10 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:

~~3-67-1~~3.69.1 Stable Private: A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests.

~~3-67-2~~3.69.2 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.

~~3.78.1~~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.

~~3.78.2~~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)

~~3.78.3~~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.

~~3.78.4~~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.

~~3.80.1~~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.

~~3.80.2~~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.

~~3.80.3~~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~~**5.02.1** 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~~**5.02.2** 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~~**5.02.3** 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~~**5.02.4** 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:

5.01-5.03.1 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.

5.01-6.03.2 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.

5.01-7.03.3 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.

5.01-8.03.4 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

- 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:

5.01.43 5.14.1 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.

5.01.44 5.14.2 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.

5.01.45 5.14.3 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:

5.01.49 5.16.1 Principal permitted uses:

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

5.01.50 5.16.2 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.

5.01.51 5.16.3 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. Any emergency shelter newly proposed for construction or operation within the City shall not be located within three hundred feet (300') of any other 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 provide security during hours that the shelter is in operation, shall provide an on-site manager, and 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.
 - vi. The number of off-street parking spaces shall be calculated per §7.16 of this Ordinance.
 - vii. 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.

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:

~~6.01.1~~6.02.1 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

~~6.01.2~~6.02.2 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.

~~6.01.3~~6.02.3 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:

~~6.01.4~~6.04.1 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.

~~6.01.5~~6.04.2 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.

~~6.01.6~~6.04.3 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 and Ordinance 2013-04 on 2/6/2013)
~~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 Historical appearance of the zone by regulating the design of proposed buildings and structures in the zone. The following regulations shall apply in any zone with which a Design Control Combining or -D Zone is combined, or as specified in Ordinance 2013-02 Sign Ordinance:

- 6.05.1 The procedures and authority for Design Review are established by this section to achieve the following purposes and objectives:
- a. To ensure that new buildings and structures and/or the modification, alteration and/or enlargement of existing buildings or structures occurs in a manner which is consistent with the policies of the general plan;
 - b. To preserve the natural beauty of the town's site and setting;
 - c. To ensure that the architectural design of buildings and structures and their materials and colors are visually harmonious with and are conceptually consistent in character and scale with surrounding area; and
 - d. To ensure that the design and location of signs and their material and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, and to ensure that signs are visually harmonious with surrounding development.
- 6.05.2 Before any sign, structure or building may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the sign, structure or building, a Design Review Permit shall be obtained unless exempted by Ordinance 2013-02.
- 6.05.3 Each application for such Design Review Use Permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the front, side and rear elevations and the colors and materials to be used, and to show any other information that may be required by City staff, the Design Review Committee or the Planning Commission in order that it may adequately evaluate the proposed structure or building.
- 6.05.4 Design Review Permits shall be subject to the following procedures:
- a. The Planning Commission shall appoint two of its members as Primary and one member as Alternate Design Review Committee Members.
 - b. The Planning Commission shall interview and recommend to the City Council appointment of three members from the 95536 zip code, preferably with design background in planning, architecture, landscape architecture, historical restoration, or other similar experience related to the design of physical improvements and buildings in the following manner:
 - i. City staff shall advertise the vacancy(ies) (via notice in newspaper, public posting) and notify Ferndale residents to contact City staff for application procedures.
 - ii. Applications must be received by City staff by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the members of the Planning Commission by the next regular or special meeting.

- iii. The Planning Commission shall interview applicants at their next regular or special meeting or direct City staff to re-advertise. After consideration of the applicants and application materials, the Commission shall select an applicant(s) to recommend for appointment. The first person(s) that receives a majority shall be selected. The Commission's recommendation(s) shall be forwarded to the City Council for their next regular or special meeting.
 - iv. The City Council shall consider the applicants and the Planning Commission's recommendation and shall appoint an applicant(s) to the Design Review Committee.
 - c. The Design Review Committee is a sub-committee of, and reports to, the Planning Commission.
 - d. Design Review Permit applications shall be forwarded to and reviewed by the Design Review Committee. 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, City staff shall issue a Design Review Permit.
 - ii. If a majority of the members present deny, the applicant can change the design, or can appeal the decision 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 reviewing body shall consider the proposed structure or building in conjunction with the appearance and design of other structures and/or buildings in the zone in an endeavor to provide that the proposed structure or building will not be unsightly, obnoxious or undesirable in appearance to the extent that it will hinder the harmonious development of the zone, impair the desirability of the zone for the uses permitted therein, limit the opportunity to attain optimum use and value of the land and improvements or otherwise adversely affect the general property and welfare. The reviewing body shall suggest any changes or alterations in the proposed structure or building as it may deem necessary to accomplish the purposes of this Section.
- 6.05.6 Emergency / minor / routine repairs in Design Control Combining Zone.
 - a. Any of said repairs as defined in Sections 3.29 and 3.48 having value of less than \$1000.00 requires no Design Review Permit.
- 6.05.7 Time Limits:
 - a. Applicants for projects that do not require a building permit shall have six months after the date of Design Review Permit issuance to complete their project.
 - b. Applicants for projects that do require a building permit shall be subject to the conditions and time limits of the building permit. If a building permit is not obtained within six (6) months of Design Review Permit issuance, the Design Review Permit shall be nullified.
 - c. City staff may grant a one-time Design Review Permit extension of 6 months upon applicant's request (End of section amended by Ordinance 09-01 on 8/6/09 and Ordinance 2013-04 on 2/6/2013).

§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.

6.05.8 Principal permitted uses:

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

6.05.9 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.

6.05.10 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 or 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 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:

- 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
- ~~9.01.1~~9.01.2 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
- ~~9.01.2~~9.01.3 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
- ~~9.01.3~~9.01.4 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,
- ~~9.01.4~~9.01.5 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 pursuant to California Government Code Section 65905, as well as 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 pursuant to California Government Code Section 65905, as well as 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 2014-03

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 January 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:		

ORDINANCE NO 2014-05

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY'S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS

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

Article 1 SHORT TITLE, PURPOSE AND FINDINGS

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Reasonable Accommodation Ordinance.”
- §1.2 **Purpose:** It is the policy of the jurisdiction, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.
- §1.3 **Findings:** The federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;
- 1.3.1 The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;
- 1.3.2 The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
- 1.3.3 A fair housing reasonable accommodation procedure for individuals with disabilities and

developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

Article 2 STATUTORY AUTHORITY

§2.1 This Ordinance is established pursuant to the provisions of California Government Code Sections 12927(c)(l) and 12955(1).

Article 3 DEFINITIONS

§3.1 For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

3.1.1 **ACTS.** The Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

3.1.2 **APPLICANT.** An individual who files an application for reasonable accommodation under this Ordinance.

3.1.3 **INDIVIDUAL WITH A DISABILITY.** Any person who has a medical condition, physical disability, or mental disability that substantially limits one or more of the person's major life activities, as those terms are defined in the California Fair Employment and Housing Act (Cal. Gov. Code § 12900 et seq.).

3.1.4 **REASONABLE ACCOMMODATION.** A modification or exception to the standards, regulations, policies, or procedures contained in this title for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's planning and zoning programs.

Article 4 APPLICABILITY

§4.1 To make specific housing available to an individual with a disability, any person may request reasonable accommodation under this Ordinance to modify a land use or zoning standard, regulation, policy, or procedure under this title as may be necessary to afford the individual with a disability equal opportunity to the use and enjoyment of their dwelling.

Article 5 APPLICATION REQUIREMENTS

§5.1 Applications for reasonable accommodation shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability.

§5.2 Requests for reasonable accommodation shall be in writing and provide the following

information:

- 5.2.1 Name and address of the individual(s) requesting reasonable accommodation;
 - 5.2.2 Name and address of the property owner(s);
 - 5.2.3 Address of the property for which accommodation is requested;
 - 5.2.4 Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - 5.2.5 Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- §5.3 Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- §5.4 A request for reasonable accommodation in regulations, policies, or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- §5.5 If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- §5.6 The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

Article 6 REVIEW AUTHORITY AND PROCESS

- §6.1 The City Manager shall designate a reviewing authority, who shall have the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Ordinance.
- §6.2 No advance notice or public hearing is required for the consideration of reasonable accommodation requests.
- §6.3 A written determination shall be made within 45 days of receipt of a complete application requesting reasonable accommodation and shall either approve, approve with conditions or deny the application for reasonable accommodation in accordance with Article 7.
- §6.4 If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45 day period to issue a decision is stayed until the applicant responds to the request.
- §6.5 If a request for reasonable accommodation is submitted for concurrent review with another discretionary land use application, it shall be determined by the authority making the final

discretionary land use decision.

Article 7 REQUIRED FINDINGS

- §7.1 The written decision to approve, approve with conditions or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
- 7.1.1 The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
 - 7.1.2 The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - 7.1.3 The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
 - 7.1.4 The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 - 7.1.5 The requested reasonable accommodation would not adversely impact surrounding properties or uses.
 - 7.1.6 There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- §7.2 In approving an application for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by §7.1 above.

Article 8 APPEAL PROCEDURE

- §8.1 A determination by the review authority to approve, approve with conditions or deny a request for reasonable accommodation may be appealed pursuant to Article XI of Zoning Ordinance 02-02.

Article 9 ENACTMENT

- §9.1 **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.
- §9.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXXX 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:	March 19, 2014	Agenda Item Number	7.1
Agenda Item Title	Election of Chair and Vice-Chair of the Planning Commission		
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 type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Elect a Chair and Vice-Chair of the Planning Commission.

BACKGROUND:

The Planning Commission Ordinance 05-05, Article 4, Powers and Duties, Section 4.02 reads:
 “The Commission shall elect its Chairman and Vice-Chairman from among the appointed members of the Commission. The Commission shall appoint a Secretary who need not be a member of the Commission.”

Meeting Date:	March 19, 2014	Agenda Item Number	7.2
Agenda Item Title	Appoint Planning Commission Member to Serve on the Design Review Committee		
Presented By:	Elizabeth Conner, City Clerk		
Type of Item:	x	Action	Discussion
Action Required:		No Action	x
			Information
			Roll Call Vote

RECOMMENDATION:

Appoint a member of the Planning Commission to serve on the Design Review Committee.

BACKGROUND:

Now that the Planning Commission has a full complement of members again, the Chair and Staff felt it would be a good time to bring this item back to the Commission. The Zoning Ordinance, Design Review Section requires that the Planning Commission appoint two members to the Design Review Committee. Lino Mogni is the current Planning Commission Member, and another shall be appointed.

Zoning Ordinance 02-02, (changed by Ordinance 09-01):

Section 6.05 Design Control Combining or –D Zone

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 of 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.

Meeting Date:	March 19, 2014	Agenda Item Number	7.3
Agenda Item Title	Design Review Committee Vacancy Update		
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 Design Review Committee applicant/s 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.

With the appointment of Design Review Committee Member Doug Brower to the Planning Commission on at it's meeting on February 19, 2014, there is now a vacancy on the Design Review Committee.

On March 4, 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 March 12, 2014 at 4:00 pm at the deadline for receiving application for the position.

As of noon, on March 14, no applications have been received. If applications come in, the City Clerk will forward them to the Chair and Commission Members in a timely manner.

ATTACHMENTS

Design Review Committee Application
 Design Review Committee Vacancy Notice
 Design Review Committee Application from Michael Warner

City of Ferndale
DESIGN REVIEW COMMITTEE APPLICATION

Name: _____

Address: _____

Phone: _____ email: _____

Please list education and/or experience which you feel relates to or would be beneficial to the role of Design Review Committee Member (this may include serving on a board, commission or council, past or present government or civic experience, completed courses or knowledge in planning, architecture, landscape architecture, historical restoration or similar experience related to the design of physical improvements, etc.)

Please describe your knowledge or familiarity with Ferndale’s General Plan, Zoning Ordinance, and Design Review standards:

Please list any design review issues with which you may find yourself in conflict:

Applicant’s Signature

Date

CITY OF FERNDALE PUBLIC NOTICE

Design Review Committee Vacancy

Notice is hereby given that the Ferndale Design Review Committee has a vacancy. Applicants shall have a telephone number beginning with '786'. The committee's regular meeting is on the 4th Thursday of each month at 8:30am and meets other Thursdays at 8:30am when necessary. If interested, please submit an application (available at City Hall or it can be mailed). Application must be received by 4:00pm Wednesday, 3/12/14 and can be delivered to City Hall (Mon-Thurs 9-4pm), mailed to POB 1095, Ferndale 95536 or emailed to cityclerk@ci.ferndale.ca.us. Applicants should plan to attend the 3/19/14 Planning Commission meeting for an interview. Call 786-4224 for further information.

Elizabeth Conner, City Clerk

Dated: 3/4/14

CITY OF FERNDALE PUBLIC NOTICE

Design Review Committee Vacancy

Notice is hereby given that the Ferndale Design Review Committee has a vacancy. Applicants shall have a telephone number beginning with '786'. The committee's regular meeting is on the 4th Thursday of each month at 8:30am and meets other Thursdays at 8:30am when necessary. If interested, please submit an application (available at City Hall or it can be mailed). Application must be received by 4:00pm Wednesday, 3/12/14 and can be delivered to City Hall (Mon-Thurs 9-4pm), mailed to POB 1095, Ferndale 95536 or emailed to cityclerk@ci.ferndale.ca.us. Applicants should plan to attend the 3/19/14 Planning Commission meeting for an interview. Call 786-4224 for further information.

Elizabeth Conner, City Clerk

Dated: 3/4/14

City of Ferndale
DESIGN REVIEW COMMITTEE APPLICATION

Name: Michael Warner
Address: 724 Main Street (PO Box 291)
Phone: 602 418 0142 email: irun2far@gmail.com

Please list education and/or experience which you feel relates to or would be beneficial to the role of Design Review Committee Member (this may include serving on a board, commission or council, past or present government or civic experience, completed courses or knowledge in planning, architecture, landscape architecture, historical restoration or similar experience related to the design of physical improvements, etc.)

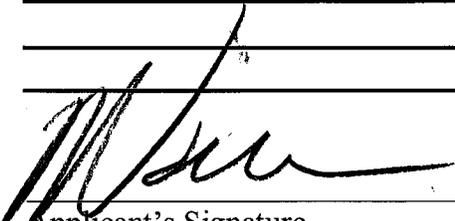
Former city planner, city of Hayley (county seat for Sun Valley ID)
Author of Design Review Guidelines and sign ordinance Hayley ID.
Masters of Landscape Architecture. (Sigma Lambda Alpha)
American Institute of Certified Planners
American Society of Landscape Architects
Professional planner (25 years)
Founder Transcom Environmental, Inc.

Please describe your knowledge or familiarity with Ferndale's General Plan, Zoning Ordinance, and Design Review standards:

Reviewed documents and standards prior to
purchase of our home. Submitted plans in
conformance with plans and standards.
Participated in Design Review for our home
improvements.

Please list any design review issues with which you may find yourself in conflict:

None.


Applicant's Signature

3/12/14
Date

Meeting Date:	March 19, 2014	Agenda Item Number	74
Agenda Item Title	General Plan Annual Progress Report		
Presented By:	Contract City Planner		
Type of Item:	Action	Discussion	<input checked="" type="checkbox"/> Information
Action Required:	No Action	Voice Vote	Roll Call Vote

RECOMMENDATION: Review the following General Plan Annual Progress Report as required by California Government Code Section 65400.

BACKGROUND: California Government Code Section 65400(a) requires Planning Departments to compile an annual report documenting the City's progress towards meeting its share of regional housing needs as well as the City's General Plan status and progress towards its implementation. Staff prepared the attached report and will submit it to the Department of Housing and Community Development (HCD) and the Office of Planning and Research in compliance with this regulation.

DISCUSSION: Ferndale's General Plan Annual Progress Report demonstrates that the City has made progress towards meeting its share of regional housing needs. Figuring in historical growth and economic trends, the City estimated development of approximately 24 of the 52 units allocated to the City in the HCAOG Regional Housing Needs Plan for the period 2009 to 2014. So far 15 of those units have been permitted (see Table B of attached report). This figure does not include the 52 renovated and now occupied units at Ferndale Housing.

The report also demonstrates the City's progress towards updating the General Plan. In 2012, the City completed and adopted both the Housing Element and Historical & Cultural Resources Element. HCD certified the Housing Element and commended the City on its efforts. The Draft Safety Element Update is complete and ready for environmental review, and the Draft Noise & Air Quality Element is well underway; both elements are expected to be ready for adoption in 2014. The Housing Element 2014 is currently being prepared and will be ready for public hearings, study sessions and submittal to HCD for certification in the next month or two.

The City has made great progress towards implementing Housing Element 2012 implementation programs, including completion of the Wastewater Treatment Facility and the Ferndale Housing Project, as shown on Table C (attached). Phase I of the Housing Element Implementation Plan 2013 is nearly complete, with the proposed Ordinances scheduled to go to the City Council for adoption next month if the Planning Commission recommends it. The Ordinances and amendments for Phase I completion bring the City into compliance with state housing regulations.

FISCAL IMPACT: None

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Ferndale

Reporting Period 1/1/2013 - 12/31/2013

Table A

Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
831 Main Street	SU	R		1			1				Secondary dwelling units are considered affordable to lower income households due to their small size and low rents. Second units rent for approx. \$800 or less which is affordable to lower income households based on the 2011 Humboldt County Area Median Income of \$40,376.
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶			0	1		1					
(10) Total by income Table A/A3 ▶ ▶				1		1	2				
(11) Total Extremely Low-Income Units*			0								

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Ferndale
Reporting Period 1/1/2013 - 12/31/2013

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	1					1	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Ferndale
Reporting Period 1/1/2013 - 12/31/2013

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2009	2010	2011	2012	2013	2014				Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	14										14
	Non-deed restricted											
Low	Deed Restricted	8			6						6	-2
	Non-deed restricted			2	1	1					4	
Moderate	Deed Restricted	9			2						2	7
	Non-deed restricted											
Above Moderate		21		2		1					3	18
Total RHNA by COG. Enter allocation number:		52										
Total Units ▶ ▶ ▶			0	4	0	9	2				15	37
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction Ferndale
Reporting Period 1/1/2013 - 12/31/2013

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
I. Adequate Sites	Encourage affordable housing	Ongoing	Carried over to Housing Element 2014
	Maintain GIS database	Ongoing	Database now accessible to City staff and residents at City Hall
	Amend Zoning Ordinance for SB2 compliance and multifamily housing by right in R3 and R4 zones	2012	Completed
	Multi-family site evaluation and potential rezoning for multi-family use	Ongoing	Carried over to Housing Element 2014
	Small lots research and identification	2013	Carried over to Housing Element 2014
II. Permanent Housing Availability	Evaluate density bonus	2012	Completed
	Outreach to developers	Ongoing	Carried over to Housing Element 2014
	Apply for grant funding	Annual	Carried over to Housing Element 2014
III. Design Review	Research best practices in design guidelines	2012	Carried over to Housing Element 2014
	Clarify design review process	2011	Completed
IV. Infrastructure Needs	Construct WWTF upgrades	2010-2012	Completed
V. Housing Equity	Amend Zoning Ordinance	2012	Completed
	Disseminate fair housing information	2012 and Ongoing	Carried over to Housing Element 2014
	Resolve fair housing complaints	Ongoing	Carried over to Housing Element 2014
VI. Manufactured Housing	Amend Zoning Ordinance	1-Feb-13	Completed
VII. Housing Unit Preservation and Rehabilitation	Explore City adoption of a rehabilitation loan program	2013	Carried over to Housing Element 2014
	Research and apply for rehabilitation funding grants	Ongoing	Carried over to Housing Element 2014

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction Ferndale

Reporting Period 1/1/2013 - 12/31/2013

Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
VIII. Energy Conservation and Weatherization	Research and promote energy conservation strategies	2011 and Ongoing	Carried over to Housing Element 2014
	Develop grant/loan assistance program list	2012 and Ongoing	Carried over to Housing Element 2014
IX. Ferndale Housing Project	Facilitate Ferndale Housing Project and comply with Gov't Code §65583.1	W/in 2 yrs of agreement with property manager	Completed

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Ferndale
Reporting Period 1/1/2013 - 12/31/2013

General Comments:

The City of Ferndale is working on updating outdated General Plan elements. The Housing Element 2012 and Historical & Cultural Resource Element have been adopted (2012). The Safety Element is near completion, and the Noise and Air Quality Element is well underway; both elements are expected to be adopted in 2014. The Housing Element 2014 is near completion and expected to be adopted June 30, 2014. Implementation of adopted elements is ongoing.

Meeting Date:	March 19, 2014	Agenda Item Number	7 5
Agenda Item Title	Review Housing Element Update 2014 Initial Draft Chapters 1 and 2; Provide Input		
Presented By:	Contract City Planner		
Type of Item:	Action	x	Discussion
			Information
Action Required:	x	No Action	Voice Vote
			Roll Call Vote

RECOMMENDATION: Review the attached Housing Element Update 2014 Initial Draft Chapters 1 and 2 and provide input.

BACKGROUND: The Housing Element is one of the seven mandated General Plan elements. Housing Element law requires that local governments plan to meet existing and projected housing needs of all economic segments of the community. The countywide Regional Housing Need Allocation (RHNA) Plan quantifies each jurisdiction's share of this regional housing need and forms the basis for each jurisdiction's General Plan Housing Element. The RHNA is a minimum projection of additional housing units needed to accommodate projected household growth of all income levels by the end of the housing element's planning period. The 2014-2019 RHNA Plan containing housing allocations for all cities and the County by income level was adopted by Humboldt County Association of Governments and certified by the Department of Housing and Community Development (HCD) in January 2014.

Now that the RHNA Plan is certified and adopted, it is time to update the City's General Plan Housing Element. On February 6th, the City Council directed staff to postpone the Noise & Air Quality Element and prepare the 2014 Housing Element Update to meet HCD's June 30, 2014 adoption deadline. For the 2014-2019 Housing Element planning cycle, HCD has implemented a streamlined review option for certification of element updates. If the Housing Element Update 2014 complies with state regulations and is complete per the Completeness Checklist in the attached Housing Element Update Guidance packet, HCD will perform an expedited review, estimated to take just under 60 days.

Because the City put considerable effort into preparing the 2009-2014 update to HCD's standards, staff was able to use the certified element as a basis for the update. HCD's streamlined review will look only at the changes to the element, as the prior text has already been approved. The attached two Initial Draft Chapters have been updated with current data (mostly provided by HCD) with changes marked.

This is the first of several Planning Commission meetings at which the Housing Element Update 2014 will be available for public review. The following is staff's recommended schedule for the update process: In April the Commission reviews the next chapters. In April or May, the Commission holds a Study Session to solicit public input. In May the Commission conducts a public hearing, at which the Commission considers recommending the entire element to the City Council for adoption. The draft update will have at least one public hearing at a City Council meeting.

A compliant Housing Element allows the City to apply for various housing program grants (CDBG, HOME, etc.); is an effective way to implement regional housing goals; and provides an opportunity to build support for, and review, local housing goals and to analyze housing in relation to job growth and decline.

ENVIRONMENTAL REVIEW: The review of the City of Ferndale General Plan Housing Element Update 2014 Initial Draft Chapters is not a project under CEQA per Section 15378, although environmental review will be required prior to adoption of the Element. On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the Housing Element Update 2012. Depending on the extent of the revisions in the 2014 Update, an Addendum to the Initial Study may suffice to satisfy CEQA requirements. If the Update has the potential to cause a significant environmental effect, further CEQA review may be required.

Housing Element Update Guidance

Attachment 1: Implementation Review

Implementation Review

Jurisdiction Name:			
	Implementation Status	Program Number (If Applicable)	Page(s) Where Found
If the local government's previous housing element included a rezone program pursuant to GC Sections 65583(c), 65583.2 and 65584.09 to address a shortfall of adequate sites, has the program(s) to rezone been completed?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Does zoning permit emergency shelters without discretionary action or has a multijurisdictional agreement pursuant to Section 65583(d) been approved? ¹	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Does zoning permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone? ²	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Are policies, ordinances or procedures established to allow reasonable accommodation for persons with disabilities in the application of zoning and land use policies, ordinances or procedures?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Has a density bonus ordinance been adopted pursuant to Government Code Section 65915 (since January 1, 2005)?	<input type="checkbox"/> YES <input type="checkbox"/> NO		

¹ These are not required where agencies adopted housing elements in the fourth cycle before the effective date of SB 2 (January 1, 2008). These agencies are primarily in San Diego County. Agencies should note "Housing Element Adopted Prior to SB 2" if this is the case.

Housing Element Update Guidance



Attachment 2: Completeness Checklist

Public Participation (Section 65583(c)(8))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php)

	Page(s)	Comments
Description of diligent effort to include all economic segments of the community and/or their representatives in the development and update of the housing element (e.g., types of outreach, meetings, appropriate languages, list of invitees and general comments and how they were incorporated)		

Review and Revise (Section 65588)

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php)

	Page(s)	Comments
Progress in implementation – A description of the actual results or outcomes of the prior element's goals (i.e., what happened), objectives, policies, and programs. Include quantification of results where possible (e.g., number of units rehabilitated) and may be qualitative where necessary (e.g., mitigation of governmental constraints)		
Effectiveness of the element – For each program, include an analysis comparing significant differences between what was projected or planned in the earlier element and what was achieved. Analyze the differences to determine where the previous housing element met, exceeded, or fell short of what was anticipated		
Appropriateness of goals, objectives, policies and programs – A description of what has been learned based on the analysis of progress and effectiveness of the previous element. A description of how the goals, objectives, policies, and programs in the updated element are being changed or adjusted to incorporate what has been learned from the results of the previous element		

Housing Needs Assessment (Section 65583(a)(1 and 2))			
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_home.php)			
	Page(s)	Data Source (if not identified in the housing element)	Comments
Quantification and analysis * of existing and projected housing needs			
Populations and employment trends, including documentation of projections			
Housing and Household characteristics, including: <ul style="list-style-type: none"> • Level of payment compared with ability to pay (overpaying households) • Housing stock conditions • Overcrowded households 			
Existing and projected needs for all income levels, including: <ul style="list-style-type: none"> • Regional Housing Need Allocation (RHNA) • Existing housing need for extremely low income households • Projected housing need for extremely low income households based on RHNA or Census (see Section 65583(a)(1)) 			
* Analysis is defined as a description and evaluation of specific needs, characteristics and resources available to address identified needs			

Persons with Special Needs (Section 65583(a)(7))			
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php)			
	Page(s)	Data Source (if not identified in the element)	Comments
Identification and analysis of any special housing needs including:*			
• Elderly			
• Persons with disabilities, including developmental disabilities (See Memo at http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf)			
• Large households			
• Farmworkers (seasonal and permanent)			
• Female headed households			
• Homeless (annual and seasonal) **			
• Other			
* Analysis is defined as a description and evaluation of specific needs, characteristics and resources available to address identified needs			
** See Section 65583(a)(7) for additional information regarding this requirement			

At-risk Units (Section 65583(a)(9))		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php)		
	Page(s)	Comments
Inventory of at-risk units (10 years from the housing element due date) (Section 65583(a)(9)(A))		
Estimate of replacement versus preservation costs (Section 65583(a)(9)(B))		
Identification of qualified entities Section 65583(a)(9)(C))		
Identification of potential funding Section 65583(a)(9)(D))		
Note: Section 65583(a)(9) has many detailed requirements. Agencies with at-risk units should review the specific statutory requirements to ensure a complete analysis.		

Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 and 6))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)

	Page(s)	Comments
<u>Potential Governmental Constraints</u>		
Include an analysis of actual and potential governmental constraints for each of the following:		
Land use controls (e.g., parking, lot coverage, heights, unit sizes, open space requirements, floor area ratios, growth controls (e.g., caps on units or population or voter approval requirements))		
Building codes and their enforcement (e.g., current CBC, any local amendments and local code enforcement programs)		
Site improvement requirements (e.g., street widths, etc.)		
Fees and other exactions (e.g., analyze all planning and impact fees and impact on total development costs)		
Local processing and permit procedures (e.g., typical processing times, permit types by housing type, decision-making criteria and bodies)		
Housing for persons with disabilities (e.g., definition of family, concentration requirements, reasonable accommodation procedures)		
Potential and actual constraints on the development of a variety of housing types for all income levels, including multifamily rental housing, factory-built housing, mobiles homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters and transitional housing		

	Page(s)	Comments
Local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need		
Local efforts to remove governmental constraints that hinder meeting the need for housing for persons with disabilities, supportive housing, transitional housing and emergency shelters		
Transitional housing and supportive housing as a residential use of property and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone		
<u>Potential Non-governmental Constraints</u> Include an analysis of actual and potential non-governmental constraints for each of the following:		
Availability of financing		
Price of land		
Cost of construction		

Sites Inventory and Analysis (Section 65583(a)(3) and 65583.2))		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php)		
	Page(s)	Comments
<p>Listing of properties by parcel number or other unique, reference showing for each parcel (Section 65583.2(b)(1) – (3):</p> <ul style="list-style-type: none"> • Size • General plan designation • Zoning category • For non-vacant sites, description of existing uses • Number of units that can be accommodated on each site 		
* Sites available for Above Moderate income households and not served by public sewer need not be identified on a site specific basis (Section 65583.2(b)(6))		
General description of environmental constraints to the development of housing (Section 65583.2(b)(4))		
General description of infrastructure (planned/available) including water, sewer and other dry utilities, including availability and access to distribution facilities (Section 65583.2(b)(5))		
<p>In determining the number of units on each site, indicate how the number of units was determined.</p> <ul style="list-style-type: none"> • If development is required at minimum density, indicate the number of units at the minimum density. No further analysis is required. • If development is not required at minimum density, demonstrate how the number of units were determined and adjust, if necessary, for local land use controls. 		

	Page(s)	Comments
For Non-vacant sites, specify the additional development potential for each site within the planning period and provide an explanation of the methodology to determine development potential considering factors, including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions and regulatory or other incentives to encourage additional residential development (Section 65583.2(b)(7))		
Demonstration of zoning to accommodate the housing need for lower income households (Section 65583.2(c)(3)) and (d) – (f))		
<ul style="list-style-type: none"> • Indicate those sites that can accommodate lower income households • Indicate those sites where the density allowed is at the “deemed appropriate” [default] density (65583.2(c)(3)(B)) • For sites that can accommodate lower income households, but with allowed densities less than the “deemed appropriate” density, provide analysis demonstrating how the adopted densities accommodate the need for lower income housing. The analysis must include: <ul style="list-style-type: none"> ○ Market demand ○ Financial feasibility ○ Project experience within a zone providing housing for lower income households (65583.2(c)(3)(A)) 		
Map of Sites included in the inventory (Section 65583.2(b)(7))		
Number of units built between the start of the projection period and the deadline for adoption of the housing element (Government Code Section 65583.1(d))		
Number of units proposed using alternative provisions such as rehabilitation, conversion, preservation or second units (Section 65583.1). See checklist at http://www.hcd.ca.gov/hpd/housing_element2/examples/655831Checklist.pdf)		

	Page(s)	Comments
Identification of zoning for a variety of types:		
Multifamily rental housing		
Factory-built housing		
Mobilehomes		
Housing for agricultural employees		
Emergency shelters (See Section 65583(a)(4) and the Department's memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)		
Transitional and supportive housing (See Section 65583(a)(5) and the Department's memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)		
Carryover obligation (AB 1233: Section 65584.09 – See memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf)		

Quantified Objectives and Housing Programs (Section 65583(b) and (c)(1 through 6))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/PRO_home.php)

	Page(s)	Comments
Provide statement of quantified objectives (Section 65583(b)):		
<p>Maximum number of units, by income group, including extremely low-income of:</p> <ul style="list-style-type: none"> • new construction; • rehabilitation; and • conservation. 		
Include programs (Section 65583(c) and (c)(7)) with:		
<ul style="list-style-type: none"> • Schedule of specific actions; • Timeline for implementation with a beneficial impact in the planning period; and • Identification of agencies and officials responsible for implementing each program. 		
Program(s) providing adequate sites (Section 65583(c)(1)):		
Programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09		
Programs to rezone and any other programs needed to address a shortfall of capacity for housing for farmworkers that could not be accommodated on sites identified in the inventory, if applicable.		
If applicable, programs to facilitate a variety of housing types, including multifamily rental, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single room occupancy, emergency shelters and transitional and supportive housing		

	Page(s)	Comments
Programs to assist in the development of housing for extremely low, very low, low and moderate income households (Section 65583(c)(2))		
Program(s) to address governmental constraints (Section 65583(c)(3)):		
Programs to address governmental constraints and where appropriate and legally possible, to remove constraints to the maintenance, improvement and development of housing		
Program to remove constraints on housing for persons with disabilities and provide reasonable accommodation for housing for persons with disabilities		
Program(s) to conserve and improve the condition of the existing affordable housing stock (Section 65583(c)(4))		
Program(s) to promote housing opportunities for all persons (Section 65583(c)(5))		
Program(s) to preserve at-risk units (Section 65583(c)(6))		

Other Requirements		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/OR_home.php) and http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php)		
	Page(s)	Comments
Description of general plan consistency (Section 65583(c)(7))		
Analysis of construction, demolition and conversion of housing for lower income households in the Coastal Zone (Section 65588)		
Description of opportunities for energy conservation in residential development (Section 65583(a)(8))		
Water and Sewer Priority (Section 65589.7) See the HCD Memo at http://www.hcd.ca.gov/hpd/memo_sb1087.pdf . *		
SB 5 and AB 162 (Flood Hazard Land Management) See the HCD Memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf *		
SB 244 (Disadvantaged Communities) See Governor's Office of Planning and Research for technical assistance at http://opr.ca.gov/ *		
* These are not required for a complete housing element and are not required to be part of the housing element and have been include as an information item to assist local governments in meeting requirements triggered by the housing element update schedule.		

Housing Element Update Guidance



Attachment 3: Streamlined Update Template

Housing Needs Assessment (Section 65583(a)(1 and 2))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_home.php)

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update quantification of population, employment, and housing stock needs including:		
• Population		
• Employment		
• Households		
• Overpayment (including lower-income)		
• Overcrowding		
• Extremely Low Income Households		
• Housing conditions		
Sources of information:		
<ul style="list-style-type: none"> • 2010 Census at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • American Community Survey at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • Department of Finance at http://www.dof.ca.gov/research/demographic/ • Applicable Federal Consolidated Plan • Available local and regional data (e.g., local census of homeless persons or shelter beds) 		
Special Note: If a jurisdiction has utilized a data packet pre-approved by HCD such as in SANDAG, SCAG and SACOG, mark N/A above where appropriate and indicate the data packet has been utilized. The Department will not review the portions noted in the applicable correspondence to the Council of Governments. Contact HCD for more details or questions.		
Update analysis and conclusions as necessary due to changes in population and households characteristics or other dynamics for population, employment, households, overpayment, overcrowding, extremely low income households and housing conditions		
Update policies and programs as necessary to reflect changes in the analysis and conclusions and other pertinent assessments of need such as the federal Consolidated Plan		

Persons with Special Needs (Section 65583(a)(7)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update quantification of special housing needs groups, including:		
• Persons with disabilities, including developmental		
• Elderly		
• Large households		
• Farmworkers (seasonal and permanent)		
• Female headed households		
• Homeless Individuals and Families		
Sources of information:		
<ul style="list-style-type: none"> • 2010 Census at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • American Community Survey at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • Department of Finance at www.dof.ca.gov/research/demographic • CA Department of Developmental Services at www.dds.ca.gov • Agricultural Census at http://www.agcensus.usda.gov/Publications/index.php • Applicable Federal Consolidated Plan and local and regional data (e.g., local census of homeless persons or shelter beds) 		
Special Note: If a jurisdiction has utilized a data packet pre-approved by HCD such as in SANDAG, SCAG and SACOG, mark N/A above where appropriate and indicate the data packet has been utilized. The Department will not review the portions noted in the applicable correspondence to the Council of Governments. Contact HCD for more details or questions.		
Update analyses and conclusions, as necessary, due to changes in housing needs or other dynamics, for persons with special needs		
Quantify and analyze persons with developmental disabilities as required by Government Code Section 65583 (e) (See the Department's memo at http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf)		
Revise programs as appropriate including pursuant to Section 65583(e) (Developmental Disabilities) to address need based on revised data/analyses		

At-risk Units (Section 65583(a)(9)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update the inventory of at-risk units , removing units no longer at risk and adding any additional units that are at-risk of conversion within 10 years from the start of the housing element planning period		
Special Note: If a jurisdiction has utilized SACOG's Housing Element Data to update the inventory, mark N/A where appropriate above and indicate the data has been used. The Department will not review the updated inventory. Contact HCD for more details.		
Analyze risk of updated inventory of at-risk units		
Evaluate the loss of any at-risk units		
Revise policies and programs as appropriate based on update analysis and conclusions		

Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 & 6)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<u>Land Use Controls</u>		
<ul style="list-style-type: none"> Update to show changes to land use controls including changes in residential zoning and/or development standards (e.g., heights and lot coverage, parking requirements, minimum unit sizes, floor area ratios, density limits,) 		
<ul style="list-style-type: none"> Update to describe changes to growth controls or similar measures such as population or unit caps or voter required general plan re-designations or voter required approval of changes in land use laws or regulations 		

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<u>Building Codes and Enforcement</u> <ul style="list-style-type: none"> Update to describe changes to local building code, amendments and enforcement programs 		
<u>Site Improvements</u> <ul style="list-style-type: none"> Describe changes to site improvement requirements 		
<u>Permitting Processes and Procedures</u> <ul style="list-style-type: none"> Update to show revisions to processing and permit procedures for residential development (e.g., design review process, change in level of review (administrative vs. legislative review: ministerial vs. discretionary review)) 		
<u>Fees and Exactions</u> <ul style="list-style-type: none"> Update changes to fee schedules Update changes to other exactions 		
<u>Housing for Persons with Disabilities</u> Update to describe any new restrictions or revisions regarding approval of housing for persons with disabilities such as concentration requirements, limits on the number of unrelated persons or provisions for making reasonable accommodations		
<u>Non-governmental Constraints</u> Update land costs, financing availability and construction costs as necessary and consider other potential non-governmental constraints, such as resident or business opposition to development, as appropriate		

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<p><u>General (Changed Circumstances)</u></p> <p>For each category above, update analyses, as needed, to reflect changes in conditions or circumstances such as market conditions, land costs, financing availability, and construction costs that effect the conclusions of the analyses on potential governmental constraints in the prior element</p>		
<p><u>Programs to Mitigate Identified Constraints</u></p> <ul style="list-style-type: none"> • Describe programs to mitigate identified constraints in the prior housing element • Revise policies and programs as appropriate to address identified constraints 		

Sites Inventory and Analysis (Section 65583(a)(3) and 65583.2)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Identify any changes to the sites inventory		
Update or include analysis or description as necessary to demonstrate zoning appropriate to accommodate housing for lower income households pursuant to Section 65583.2(c)(3) and (d) – (f)		
Update or include analysis or description as necessary to demonstrate the potential for redevelopment pursuant to Section 65583.2(b)(7)		
Analyze any new known environmental constraints or changed conditions and circumstances such as market conditions that affect the suitability of identified sites		
Update methodologies as necessary to estimate the residential capacity on identified sites		

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Revise analysis of existing and/or planned infrastructure capacity (e.g., water and sewer) to accommodate the regional housing need, if needed (e.g., capacity or availability has changed)		
Include a summary table of sites included in the inventory by income category in comparison to the RHNA and, if applicable, any carryover obligation (Section 65584.09)		
Add programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09		
Update analysis as necessary to demonstrate sufficient capacity to accommodate the need for emergency shelters		

Other Requirements

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/OR_home.php) and http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php)

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update description to ensure consistency with other elements of the general plan if policies or programs have been adopted in other elements of the general plan affecting internal consistency		
Update to describe, as necessary, housing for lower or moderate income households that has been constructed, demolished or converted in the Coastal Zone		

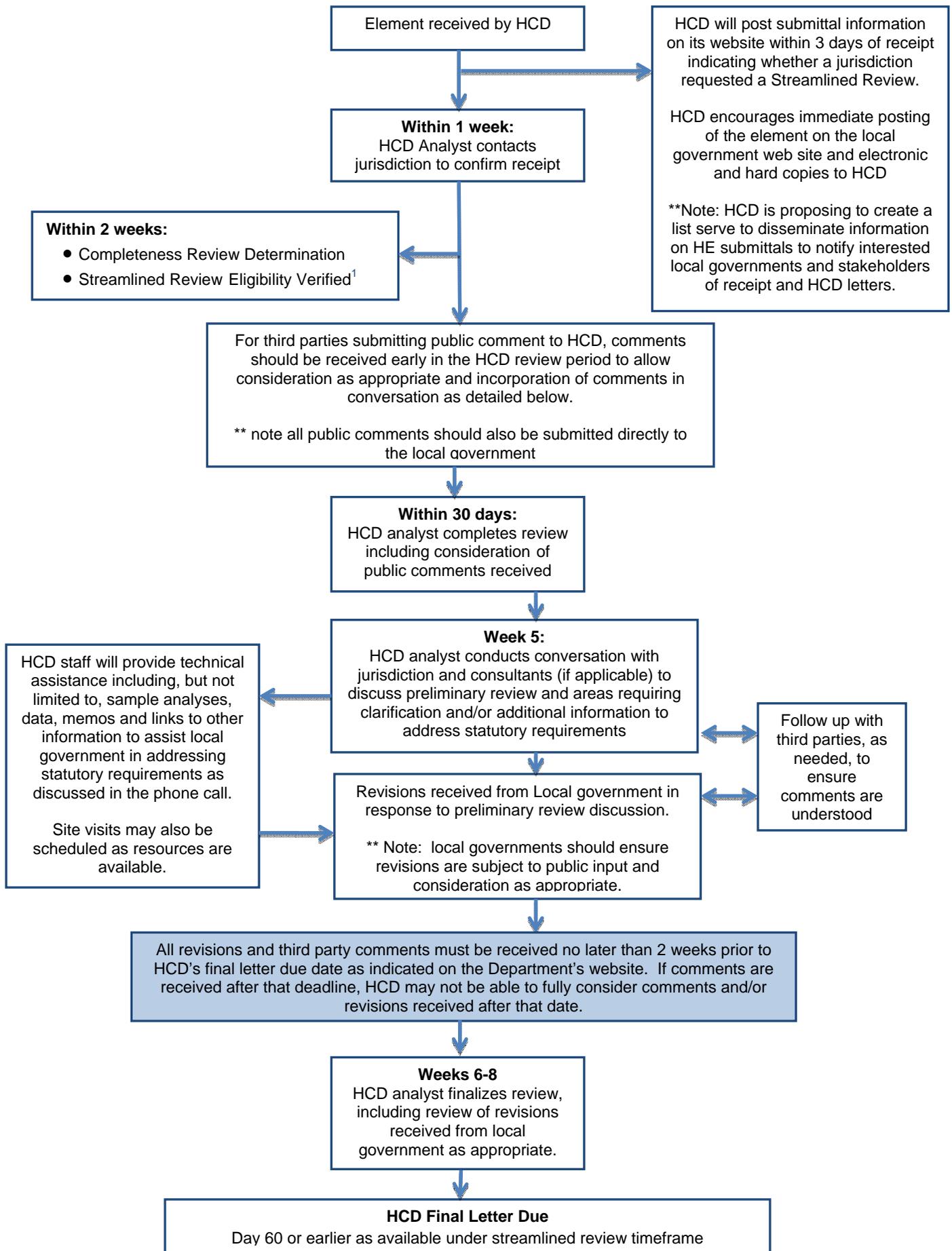
Housing Element Update Guidance



Attachment 4: HCD Housing Element Review Process

HCD Housing Element Review Process

The chart below is provided to detail general steps and applicable timeframes for typical draft housing element submittals and is meant to complement the flow chart provided in HCD’s Housing Element Update Guidance detailing review steps for standard and streamlined draft reviews. The statute provides 60 days for HCD’s review of draft housing element submittals. Uncertainty of workload and the number of submittals under review at a given time makes it difficult to commit to shorter timeframes for review of streamlined reviews. The Department will, however, grant priority review status for elements eligible to receive a streamlined update based on the criteria provided in the Department’s Update Guidance. Provided resources are available, the Department anticipates streamlined reviews would be completed in less time than the timeline presented below.



¹ HCD is available to verify Streamlined Update eligibility in advance of submittal. If advance eligibility determination has been made, initial review step would consist of completeness review only.

Chapter One: Introduction

Purpose of the Element

Recognizing the importance of providing adequate housing in all communities, the State of California has mandated a Housing Element, one of seven required, within every General Plan. The rules regarding Housing Elements are stated in California Government Code §65580-65589. The statewide goal is given as “decent housing and a suitable living environment for every California family.”

The primary purpose of the Housing Element is to:

- Preserve and improve housing and neighborhoods,
- Provide adequate housing sites,
- Assist in the provision of affordable housing,
- Remove governmental constraints to housing investment, and
- Promote fair and equal housing opportunities.

Further, State Housing Element law requires “An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.” The law requires:

- An analysis of population and employment trends,
- An analysis of the City’s fair share of the regional housing needs,
- An analysis of household characteristics,
- An inventory of suitable land for residential development, and
- An analysis of the governmental and non-governmental constraints on the improvement, maintenance and development of housing.

The City of Ferndale last prepared a Housing Element in ~~2012~~2006 with prior updates in 1989, ~~and~~ 1992 and 2012. The most recent City adopted and HCD certified Housing Element for the City of Ferndale is from ~~2012~~2006.

The updated Housing Element presented here includes some information from earlier documents, relying heavily on Ferndale’s ~~2006~~2012 update, but incorporates updated state guidance and available census data.

Public Participation

Public participation ~~was~~will be encouraged throughout the development and implementation of the Housing Element update. Public participation in the development of the Housing Element ~~will occur~~occurred in several ways. The primary method of assuring that a good cross representation of views ~~was~~is heard ~~was~~will be through a study session held by the Planning Commission, which ~~was~~will also ~~be~~ a noticed meeting open to the public. This study session will be posted in several places throughout the City and advertised in the Ferndale Enterprise. Additionally, the Planning Commission ~~reviewed~~will review Housing Element chapters at a series of regularly scheduled meetings open to the

public. The advice and guidance offered during the formulation of this element ~~were~~ will be considered in developing programs that comprehensively addresses the needs and intentions of the community with regard to its housing.

To promote public participation and comment on the Housing Element, a news release ~~will be provided to the local newspaper~~ summarizing key matters and inviting the public to review the Draft and attend the Planning Commission public hearing will be provided to the local newspaper and posted on the City's website. The Planning Commission will forward their comments and recommendations to the City Council, who will hold an additional hearing prior to adoption. Both the Planning Commission and City Council hearings will be advertised in the local newspaper, as well as on the City's Online News Page, inviting the public to review the Draft Housing Element and attend the hearings. Copies of the Housing Element will be available at several locations to facilitate public review and comment, including Ferndale City Hall, 834 Main Street and the Ferndale Library, 807 Main Street. Electronic versions and hard copies will be provided for the public convenience.

Consistency with the General Plan

Ferndale's General Plan serves as a policy document prepared to guide City growth and development. The City's General Plan provides a framework for guiding the area toward orderly growth. The goals of the General Plan addresses a variety of issues, including: health, public safety, land use, circulation, provision of services and facilities, environmental protection, and open space preservation. The Housing Element is one of the seven elements mandated by State law which comprise the City's General Plan. The other six mandated Plan elements are Land Use, Conservation, Circulation, Noise, Safety, and Open Space.

All General Plan elements, goals and policies must be internally consistent. Housing Element goals, objectives, and policies have been reviewed for consistency with goals, policies, and implementation measures of the other General Plan elements. The ~~Ferndale Housing Element Update is the first step in a complete review and revision of all general plan elements by the~~ City of Ferndale has undertaken a multi-year, multi-element General Plan Update in May 2012, and is in the process of updating the Safety Element and Noise & Air Quality Element, with expected adoption in 2014.

The Housing Element bases the City's ability to meet the need for new housing units on the availability of parcels that are planned and zoned for residential development and served by utilities such as sewer and water systems. The Land Use Element provides suitable sites for housing at densities that can support a variety of housing types. The Land Use Element takes into account the development constraints and opportunities of the community, including hazards, resources and open space. The identification of these components of the natural environment guide appropriate locations for housing and are reflected in the holding capacity projections used in the Housing Element. Community goals are supportive of the Housing Element objectives in that they encourage sustainable growth, infill development compatible with existing development, improved public infrastructure and systems, and diversity of housing opportunities for all income groups, while preserving Ferndale's small town character.

The Housing Element addresses all State requirements, including relevant legislation enacted subsequent to adoption of the previous element. It contains information on housing constraints and

actions to deal with constraints. The Housing Element includes information on the number of units required to meet Ferndale's housing needs and its share of the regional need. Sites with development potential in accordance with the City's housing needs are evaluated. The revised Housing Element, along with the adopted elements of the General Plan will act as a guide for municipal decisions which affect the quality and quantity of housing; and maintain Ferndale's present quality of life by balancing the availability of housing with other environmental considerations.

The Housing Element update must be submitted to the California Department of Housing and Community Development (HCD) for review. HCD will determine if the update is in compliance with State Housing Element law and may require applicable revisions. Once determined acceptable, HCD will certify the document.

Chapter Two: Housing Needs

Population

Introduction

Ferndale is located approximately fifteen miles south of Eureka and five miles west of U.S. Route 101 in the rural dairy area of the Eel River Valley of Humboldt County. This small community has traditionally had an agricultural-based economy that has expanded to also include a very successful tourist economy. Specifically, the main industries in Ferndale are dairy farming, cattle ranching, tourism, lumber and wood products, and service. Ferndale is known for its Victorian architecture and Main Street businesses.

Population Growth Trends

The City of Ferndale has both grown and lost population annually. Ferndale's population grew by 25.8 percent between 1950 and 2000, with much of that growth occurring during the late 1960's. Between 2000 and 2013, Ferndale's population was reduced by an average of 1.1% annually. Ferndale's ~~2013~~2009 population is estimated at ~~1,3661,441~~ (Table 1).

Table 1: Population Growth Trends (1970 - 2009) – City of Ferndale

Year	Population	Numerical Change	Percent Change
1970	1,352		
1980	1,367	15	1.1
1990	1,331	-36	-2.6
2000	1,382	51	3.8
2004	1,460	78	5.6
2006	1,444	-16	-1.1
2009	1,441	-3	-0.2
<u>2013*</u>	<u>1,366</u>	<u>-75</u>	<u>-5.2</u>

Source: Census Bureau (2000 Census, SF3: P1) and (1990 Census, STF3: P001), DOF (Report E-4)

* Source: HCD 5th Housing Element Data Package – Humboldt County

Ferndale's boundaries, limited to one square mile, coupled with the City's remote location six miles from the Highway 101 corridor, contributes to Ferndale's slow growth rate. Over the previous 20-year period, Ferndale lagged behind that of Humboldt County, which grew by 12 percent; Ferndale has grown by 8 percent in the last 20 years. Ferndale's average annual population change between 2010 and 2013 was minus 0.1%, which is comparable to that of Humboldt County as a whole, which averaged 0.1%.

Ethnic Composition

Ferndale's population is predominately white (93.3 percent) according to the 2000 U.S. Census (Table 2). In recent history, Swiss Italians owned many of the dairies surrounding Ferndale, and hired Portuguese workers. Eventually, the Portuguese purchased the dairies, and hired Hispanic workers. Currently, the Hispanic population is increasing. A diverse array of other races and ethnicities reside in Ferndale,

although in very low numbers. Humboldt County is also predominantly white, although numbers of most other races or ethnic groups are somewhat higher.

Table 2: Ethnic Makeup – Ferndale and Humboldt County

Ethnicity	Ferndale		Humboldt County	
	Population	Percent	Population	Percent
Total Population	1,382	100.0	126,518	100.0
One Race	1,328	96.1	120,962	95.6
White	1,290	93.3	107,179	84.7
Black or African American	4	0.3	1,111	0.9
American Indian and Alaska Native	7	0.5	7,241	5.7
Asian	8	0.6	2,091	1.7
Native Hawaiian or Pacific Islander	1	0.1	241	0.2
Two or more races	54	3.9	5,556	4.4
Hispanic or Latino (of any race)	59	4.3	8,210	6.5

Source: 2000 Census

Sex and Age

Ferndale attracts retirees, both of local origin and from larger metropolitan areas. A review of the data indicates that for all age groups below 44 years, Ferndale percentages are below state figures. Over age 45, the trend reverses in that Ferndale consistently has a higher percentage of these residents than the state as a whole. This is generally true of comparison between Ferndale and Humboldt County as well, although the trend is not as strong. Although Ferndale has an older population in comparison to the state or county, the majority of Ferndale's population (53.9 percent) is under 45 years of age, and 16.6 percent are over 65 (Table 3).

Table 3: Sex and Age of Population – Ferndale, Humboldt County & California

Sex & Age	Ferndale		Humboldt County		California	
	Number	Percent	Number	Percent	Number	Percent
Male	641	46.4	62,532	49.4	16,874,892	49.8
Female	741	53.6	63,986	50.6	16,996,756	50.2
Under 5 years	79	5.7	7,125	5.6	2,486,981	7.3
5 to 9 years	81	5.9	7,899	6.2	2,725,880	8.0
10 to 14 years	93	6.7	8,817	7.0	2,570,822	7.6
15 to 19 years	84	6.1	10,025	7.9	2,450,888	7.2
20 to 24 years	73	5.3	11,209	8.9	2,381,288	7.0
25 to 34 years	142	10.3	16,016	12.7	5,229,062	15.4
35 to 44 years	192	13.9	18,679	14.8	5,485,341	16.2
45 to 54 years	223	16.1	19,861	15.7	4,331,635	12.8
55 to 59 years	103	7.5	6,313	5.0	1,467,252	4.3
60 to 64 years	82	5.9	4,798	3.8	1,146,841	3.4
65 to 74 years	123	8.9	8,020	6.3	1,887,823	5.6
75 to 84 years	86	6.2	5,754	4.5	1,282,178	3.8
85 years or older	21	1.5	2,002	1.6	425,657	1.3

Sex & Age	Ferndale		Humboldt County		California	
	Number	Percent	Number	Percent	Number	Percent
Under 20		24.4		26.7		30.1
20-44 years		29.5		36.4		38.6
45-64 years		29.5		24.5		20.5
65 and older		16.6		12.4		10.7

Source: 2000 Census

According to 2000 Census figures, females outnumber males in almost all age categories with an overall of 53.6 percent females to 46.4 percent males. This follows the trend in Humboldt County, with 50.6 percent female, 49.4 percent males, and California, with 50.2 percent females to 49.8 percent males (Table 4).

Table 4: Male to Female Ratios – Ferndale

SEX and Age	Number			Percent			Males per 100 females
	Both sexes	Male	Female	Both sexes	Male	Female	
Total population	1,382	641	741	100.0	100.0	100.0	86.5
50 to 54 years	111	51	60	8.0	8.0	8.1	85.0
55 to 59 years	103	48	55	7.5	7.5	7.4	87.3
60 to 64 years	82	43	39	5.9	6.7	5.3	110.3
65 to 69 years	64	29	35	4.6	4.5	4.7	82.9
70 to 74 years	59	21	38	4.3	3.3	5.1	55.3
75 to 79 years	50	20	30	3.6	3.1	4.0	66.7
80 to 84 years	36	14	22	2.6	2.2	3.0	63.6
85 to 89 years	14	2	12	1.0	0.3	1.6	16.7
90 years and over	7	0	7	0.5	0.0	0.9	0.0

Source: 2000 Census

Employment

Employment by Industry

The economy of Ferndale has become more diversified in recent years. Many residents work in a variety of jobs in Eureka or other regional business centers. In Humboldt County, government is now the largest employer. The health service industry is a major employer, as is retail trade. The logging industry continues to play an important but declining role, with the number of logging-related jobs declining substantially in recent years.

Table 5: Employment by Industry (~~2000~~2007-2011) – City of Ferndale

Industry Type	2000 2007-2011	
	Number	Percent
Agriculture, forestry, fishing and hunting, and mining:	39 52	5.9 7.0
Construction	55 37	5.6 7.4
Manufacturing	58 32	8.8 4.3
Wholesale trade	16 28	2.4 3.8
Retail trade	87 68	13.2 9.1
Transportation and warehousing, and utilities:	33	5.0 4.4
Information	24 12	3.6 1.6
Finance, insurance, real estate and rental and leasing:	27 73	4.1 9.8
Professional, scientific, management, admin.	49 61	7.4 8.2
Educational, health and social services:	137 133	20.8 17.9
Arts, entertainment, recreation, and services accommodation:	61 109	9.3 14.7
Other services, except public administration	39 32	5.9 4.3
Public administration	52 56	7.9 7.5
TOTAL	659 744	100.0

Source: [Census Bureau \(2000 Census, SF3: P49\)](#), [HCD 5th Housing Element Data Package – Humboldt County](#)

Ferndale is a tourist center, with businesses on Main Street and several bed and breakfasts serving those drawn by historic architecture or by a variety of regional attractions. Ferndale also serves the needs of the surrounding dairy community. Technology dependent activities including consulting, design, and computer support are a growing segment of the local economy. [Arts, entertainment, recreation and accommodation services have expanded over the last decade, as have finance, insurance and real estate services.](#)

Income

A review of 2000 Census data on household income shows that relative to Humboldt County or the State of California, fewer Ferndale residents fall within the two lowest income categories. A total of 11.2 percent of Ferndale households reported less than \$15,000 of income, compared with 23.7 percent of Humboldt County households, and 14.0 percent of all California households (Table 6). For the \$50,000 to \$75,000 income range Ferndale and statewide percentages are similar, at 20.3 and 19.1 percent, respectively. Only 15.9 percent of county households reported the same level of income. In the four highest brackets, the disparity widens. In Ferndale, 15.7 percent of households reported 1999 income greater than \$75,000, compared with 12.6 percent in Humboldt County, and 28.8 percent statewide. The higher state allocation presumably reflects the concentration of professional and top management jobs in major urban centers, as well as the higher cost of living there.

Table 6: Household Income: Ferndale, Humboldt County, & California

1999 Household Income	Ferndale		Humboldt County		California	
	Number	Percent	Number	Percent	Number	Percent
Households	630	100	51,235	100	11,512,020	100
Less than \$10,000	37	5.9	7,059	13.8	967,089	8.4
\$10,000-14,999	46	5.3	5,057	9.9	648,780	5.6
\$15,000-24,999	102	16.2	8,803	17.2	1,318,246	11.5
\$25,000-34,999	100	15.9	7,300	14.2	1,315,085	11.4
\$35,000-49,999	118	18.7	8,411	16.4	1,745,961	15.2
\$50,000-74,999	128	20.3	8,138	15.9	2,202,873	19.1
\$75,000-99,999	53	8.4	3,485	6.8	1,326,569	11.5
\$100,000-149,999	24	3.8	1,911	3.7	1,192,618	10.4
\$150,000-199,999	13	2.1	471	0.9	385,248	3.3
Greater than \$200,000	9	1.4	600	1.2	409,551	3.6
Median Household Income	\$37,955		\$31,226		\$47,493	
Median Family Income	\$49,706		\$39,370		\$53,025	

Source: 2000 Census

A City of Ferndale Community Income Survey was conducted by Redwood Community Action Agency during 2008 and 2009. Notice about the survey was published in the local newspaper and it was distributed with a letter from the City Manager. Although the survey was mailed out with stamped, addresses return envelopes, response was poor. Since response was so limited, the data collected was not representative of Ferndale household incomes.

Employment/Unemployment

California Employment Development Department (EDD) data indicates there were 600 City of Ferndale residents in the labor force in July 2009 (Table 7). The reported City unemployment rate in July 2009 was 2.6 percent; this figure is slightly higher than the previous planning period of 2.3 percent. When compared to the overall County unemployment of 11.3 percent and all county jurisdictions, Ferndale has the lowest unemployment rate.

The City of Ferndale has relatively few major employers, as most businesses on Main Street are owner operated. The Elementary and High Schools employ approximately 65 permanent and 30 seasonal employees; Del Biaggio Construction employs 35 full time people; Valley Grocery has four full time, nine part time; City Government seven full time, five part time; Nilsen Feed seven full time, six part time; Valley Lumber nine full time; and the two banks employ four full time and six part time. Of course, some of these employees come from outside the city limits of Ferndale.

Table 7: Unemployment Levels in Humboldt County

Area Name	Labor Force	Employment	Unemployment	
			Number	Rate
Arcata	9,100	8,100	1,100	11.7%
Blue Lake	600	600	100	9.8%
Eureka	11,700	10,300	1,400	12.0%
Ferndale	600	600	0	2.6%
Fortuna	4,600	4,200	400	9.0%
Rio Dell	1,400	1,200	200	16.7%
Trinidad	200	200	0	9.1%
Humboldt County	59,900	53,200	6,800	11.3%

Source: CA Employment Development Department 2009

Household Characteristics

Household Growth and Tenure Trends

The US Census Bureau identified ~~630~~ 663 households in Ferndale in 2000, with approximately 2.3 persons per household: 564 of the units were single family units, 90 were multiple family units, and 9 were mobile homes. 52 of the units were vacant, for a 7.84% vacancy rate. ~~Department of Finance estimates 706 households in Ferndale in 2009, approximately 2.2 persons per household. There are an estimated 603 single family housing units; 83 two to four unit dwellings; and 10 units with five or more dwellings (DOF, 2009, Table 2: E5).~~ In 2010, DOF estimated 717 housing units in Ferndale, with approximately 2.2 persons per household: 608 single family units, 109 multiple family units, and zero mobile home units. 106 of the total units were vacant, for a 14.78% vacancy rate (HCD 5th Housing Element Data Package – Humboldt County). Over the ten year period, the vacancy rate increased by 88.5% (see Table 8).

According to the ~~2000-2010~~ Census, the percentage of owner-occupied homes ~~is was~~ 64.863.5 percent; ~~renters-rentals~~ comprised 35.236.5 percent of total dwellings units (Table 9). The proportion of renters to owners ~~in the 2000 Census was approximately what it was in~~ has remained fairly constant since the 1980's. During the 1990's, twenty-one minor subdivisions with at least 2 parcels each were approved, along with one major subdivision of 22 lots. During the 1990's, 40 single family residences were built, five secondary dwelling units, four duplexes (8 dwellings) and nine apartments. Ferndale added 29 single family units, six secondary dwelling units and two apartments ~~since from 2000 to 2012. During the last two planning periods ago-planning period~~ there were two large (for Ferndale) subdivisions in the planning stages. One subdivision created 33 single-family parcels, the other created eight additional single-family parcels. Both of these subdivisions allow secondary-dwelling unit development, should the owners desire. As the above information shows, most new construction involves single-family dwellings, with few apartments, secondary dwelling units and duplexes being constructed. Between 2004 and the end of 2009 the City approved 3 residential subdivisions including one eight lot, one three lot and one

two lot subdivision. Full development of these subdivisions is not expected to take place within this planning period. Insert Ferndale development data.

Table 8: Household Growth Trends (1980 - 2009) - City of Ferndale

Year	Households	Numerical Change
1980	541	-
1990	566	25
2000	619	53
2004	623	4
2009	706	83

Source: Census Bureau (2000 Census, SF3: H6), (1990 Census, STF3: H004) and DOF (E-5 Report)

<u>E-8 City/County/State Population and Housing Estimates, 2000 and 2010</u>								
HOUSING UNITS								
Year	Total Units	Single	Multiple	Mobile Homes	Households	Vacant Units	Vacancy Rate	Persons Per Household
2000	663	564	90	9	611	52	7.84%	2.262
2010	717	608	109	0	611	106	14.78%	2.244
Change	8.1%	7.8%	21.1%	-100.0%	0.0%	103.8%	88.5%	-0.8%

Source: HCD 5th Housing Element Data Package – Humboldt County

Table 9: Households by Tenure (1980 – 2000) - City of Ferndale

	1980		1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Owner	353	65.2%	352	62.2%	385	63.0%	388	63.5%
Renter	188	34.8%	214	37.8%	226	37.0%	223	36.5%
TOTAL	541	100.0%	566	100.0%	611	100.0%	611	100%

Source: HCD 5th Housing Element Data Package – Humboldt County, Census Bureau (2000 Census, SF 3: H7), (1990 Census, STF 3: H008) and 1980 Census

Special Housing Needs

In addition to overall housing needs, cities and counties must plan for the special housing needs of certain groups. Government Code (§65584(a)(6)) requires that several populations with special needs be addressed: — homeless people, seniors, people with disabilities, large families, female-headed households, and farmworker households. This Housing Element takes into account any local factors that create an extraordinary need for housing, and quantifies those needs as best as possible.

Seniors

In 1980, there were 11,103 persons aged 65 and over living in Humboldt County. This was 10.2 percent of the total population. By 1990, 12 percent of the total population was estimated by the Census to be 65 years or older (14,631 persons). The 2000 Census indicates that the senior population had risen to 13 percent of the total population in Humboldt County.

According to the 2000 Census, Ferndale ~~has had~~ 185 senior households, which ~~is was~~ 29.9 percent of the total households (Table 10). ~~Between 2007-2011, Ferndale had an estimated 193 senior households.~~ Of these ~~185 senior households~~, only ~~28-13~~ were renters, which indicates a strong ownership trend amongst seniors. ~~Further, only nine of the 100 total households under the poverty level were over the age of 65. Seniors in Ferndale make up 16.6 percent of the population, higher than the Humboldt County average.~~

Table 10: Householders by Tenure by Age (2000-2007-2011) - City of Ferndale

Householder Age	Owners	Renters	Total
15-24 years	40	380	420
25-34 years	2223	5934	8157
35-64 years	218249	93111	311360
65-74 years	75123	129	87132
75 plus years	8257	164	9861
TOTAL	401452	218158	619610

Source: [HCD 5th Housing Element Data Package – Humboldt County](#))[Census Bureau \(2000 Census SF 3: H14 and P87\)](#)

Local Senior Programs

The Humboldt County Sheriff's Department SWAP program provides free firewood to seniors. The Bertha Russ Lytel Foundation was formed to help seniors stay in their homes as long as possible. They have assisted the Ferndale Senior Resource Agency by providing a minivan for rides to medical appointments, Eureka, Fortuna and Arcata, as well as the Arcata Airport. The van is wheelchair accessible. Again with the help of the Lytel Foundation, the Ferndale Senior Resource Agency is also providing home delivery of hot meals. This foundation, along with the Ferndale Community Chest and local churches offer assistance with monthly bills, help with maintenance costs associated with home-ownership, help out when seniors and others are faced with unforeseen needs. Another group, Total Socialization, offers senior meals on the first and third Thursday of the month.

[A Coalition for Senior Housing formed in late 2013 to address to local seniors' housing needs, with the ultimate goal of planning, securing funding for, and implementing a senior housing development within Ferndale. The Coalition consists of representatives from the Area 1 Agency on Aging, the Lytel Foundation, the Senior Resource Agency, and the City Planning Department, as well as the property manager for the newly renovated Ferndale Housing, a local developer, and the City Manager. The group has monthly meetings to discuss needs, obstacles, and progress, and has been looking at properties and development designs to assist in defining the scope of the development.](#)

Persons with Disabilities

In order to understand the special needs of a community, it helps to look at the number of people in a community who live with a disability, and the types of facilities that are available to them. Six of the major disabilities are listed below:

- [Developmental disabilities are conditions that originate before an individual becomes 18 years old, continue, or can be expected to continue, indefinitely, and constitute a substantial disability for that individual. This includes Mental Retardation, Cerebral Palsy, Epilepsy, and Autism.](#)
- Sensory disabilities are conditions that affect the sensory organs, such as blindness, deafness, or a severe vision or hearing impairment.

- Physical disabilities are conditions that substantially limit one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying.
- Mental disabilities are conditions that affect thinking processes, such as learning, remembering, or concentrating.
- Self-care disabilities are conditions in which basic everyday routines are not met, such as bathing and dressing oneself, or getting around inside the home without assistance.
- Going outside the home disabilities are conditions in which people are confined to their home and cannot leave it without assistance.
- Employment disability is an inability to work at a job or business.

Table 11: Persons with Physical Disability by Employment Status (2000) - City of Ferndale

	Number	Percent
Age 5-64, Employed Persons with a Disability	4427	3.422.9%
Age 5-64, Not Employed Persons with a Disability	6743	5.136.4%
Persons Age 65 Plus with a Disability	8347	6.439.8%
Total Persons with a Disability	194118	14.9100.0%
% of Total Population over Age 5 (Civilian Non-institutional)	1,306	100.0% 0.0%

Source: [HCD 5th Housing Element Data Package – Humboldt County Census Bureau \(2000 Census SF 3: P42\)](#)

Table 12: Persons with Disabilities by Disability Type (2000) - City of Ferndale

	Number	Percent
<i>Total Disabilities Tallied</i>	383	100.0%
<i>Total Disabilities for Ages 5-64</i>	224	58.5%
Sensory Disability	14	3.7%
Physical disability	71	18.5%
Mental disability	47	12.3%
Self-care disability	17	4.4%
Go-outside-home disability	25	6.5%
Employment disability	50	13.1%
<i>Total Disabilities for Ages 65 and Over</i>	159	41.5%
Sensory Disability	26	6.8%
Physical disability	47	12.3%
Mental disability	20	5.2%
Self-care disability	27	7.0%
Go-outside-home disability	39	10.2%

Source: Census Bureau (2000 Census SF 3: P41)

As of 2000, the total number of people living in Humboldt County with reported disabilities was 25,116, a number which represents 20.4 percent of the total population. Statewide, 19.4 percent of the state's total population reported some kind of disability in 2000.

In Ferndale, according to the 2000 Census, 194 persons have a disability, representing 14.9 percent of the population. Most people with disabilities were either employed (3.4 percent) or over the age of 65 (6.4 percent). Only 5.1 percent of the Ferndale population had a disability and was ~~are~~ prevented from working.

According to the Department of Developmental Services, Ferndale has 21 individuals determined to be developmentally disabled, eligible for regional center services and currently receiving services. 18 of these individuals are living at home with a parent or guardian. Only one is living independently, and two are living in a licensed 24-hour non-medical residential care facility (HCD 5th Housing Element Data Package – Humboldt County).

People with disabilities, including the developmentally disabled, have special needs in that many earn very low incomes, have higher health costs, and may be dependent on supportive services. These special needs may include accessible and affordable housing near public transportation, services, and community facilities

Although there has recently been discussion about bringing bus service into Ferndale, it has been found to be economically infeasible. However, the Ferndale Senior Resource Agency has recently initiated a senior bus service, with service provided to seniors 62 years and over, as well as disabled persons.

Ferndale can help meet the housing need for people with disabilities by facilitating independent living through in-home modifications, providing suitable housing opportunities, allowing for supportive services, and implementing existing state and federal law. For people with physical or mobility limitations, the California Administrative Code Title 24 sets forth access and adaptability requirements that apply to public buildings, employee housing, manufactured housing, and privately funded and newly constructed apartment houses. Although home modifications can improve the ability of people to live in independent housing, many individuals may require more extensive care, such as a group living environment that provides supervision. Severely affected individuals may require an institutional environment that provides medical attention and physical therapy.

Large Families

Large households are defined as households with more than five persons. In some circumstances, where the housing market does not meet large household housing needs, overcrowding can be a significant result of the lack of adequate housing. ~~As discussed earlier, o~~Overcrowding is not a significant housing need in Ferndale. A total of 6.45.2 percent of households in Ferndale have five or more people (Table 13).

Table 13: Household Size by Tenure (~~2007-2000~~2011) - City of Ferndale

	1-4 persons		2-4 persons		5+ Persons		Total	
	Number#	Percent%	#	%	Number#	Percent%	Number#	Percent%
Owner	386109	62.40.6%	315	91.0%	1528	2.4%87.5%	401452	64.881.0%
Renter	19371	31.239.4%	31	9.0%	254	4.0%12.5%	218106	35.219.0%
TOTAL	579180	93.629.5%	346	56.7%	4032	6.4%5.2%	619558	100.0%

Source: ~~Census Bureau (2000 Census SF 3: H17)~~ HCD 5th Housing Element Data Package – Humboldt County

Farmworkers

According to the 2007 Census of Agriculture, there ~~are~~ were 1,347 farmworkers in Humboldt County, down from the reported 1,557 farmworkers in the 2002 agriculture census. Twenty-four farm operations in Humboldt County ~~are~~ were family-held corporations, 735 farms ~~are~~ were family or individual operations, and 26 farms ~~are~~ were large family operations. Approximately 560 employees worked on farms with ten or less employees, while 1,955 workers ~~are~~ were employed on farms with 10 or more workers. According to the 2007 Census of Farmworkers, there were 2,552 farmworkers in Humboldt County, with 315 reported farms (HCD 5th Housing Element Data Package – Humboldt County).

According to the 2000 Census, there were 39 persons employed in agriculture, forestry, fishing and hunting, and mining in the City of Ferndale. In the Eel River Valley, farmworker housing needs are not very significant as most farms are managed by owner/occupants. Most farming operations in the City are dairies.

Female-headed Households

The Census provides data on the total number of households with a female head and the number of those with children and the number with incomes below the poverty level. The data is not provided separately by owner and renter. The data required includes all female heads of household; those without children may be supporting parents, or a single parent may be supporting an adult child or relative. Female heads of household are often the households most in need of affordable housing, childcare, job training and rehabilitation funds.

In Ferndale, there were ~~51~~ 39 female headed households, according to the ~~2000-2011~~ 2011 Census. ~~Of these 51~~ None of those female headed households, ~~nine~~ one were below the poverty level, ~~which is 52.9 percent of the 17 families found under the poverty level according to the 2000 Census.~~

Table 14: Female Headed Households (~~2000~~2011) - City of Ferndale

Householder Type	Number	Percent
Female Headed Householders	51 <u>39</u>	13.6 <u>9.4</u> %
<i>Female Heads with Own Children</i>	17	4.5 <u>4.1</u> %
<i>Female Heads without Children</i>	34 <u>22</u>	9.1 <u>5.3</u> %
Total Family Householders	374 <u>417</u>	100.0%
Female Headed Householders Under the Poverty Level	90 <u>90</u>	52.9 <u>90.0</u> %
Total Families Under the Poverty Level	1721 <u>1721</u>	100.0 <u>5.0</u> %

Source: HCD 5th Housing Element Data Package – Humboldt County Census Bureau (2000 Census SF 3: P10 and P90)

Families and Persons in Need of Emergency Shelter

Contact with the Ferndale Police Chief, ~~local police department~~ and Director of Emergency Services, ~~other emergency care personnel~~ indicated that there are no homeless people in Ferndale. A reason for this may be that Ferndale is located six miles from the closest public bus service. The local community church offers help to travelers in need of emergency shelter and food.

Overcrowded Households

The United States Census Bureau defines overcrowding when a housing unit is occupied by more than one person per room (not including kitchens and bathrooms). Units with more than 1.5 persons per room are considered severely overcrowded and indicate a significant housing need.

Overcrowding is not a major housing situation an issue in Ferndale. According to the 2000-2011 Census, there were a total of 12 no overcrowded or severely overcrowded households, representing only 1.9 percent of the total households in Ferndale (Table 15). The percentage of overcrowded situations has not changed much since the four overcrowded households reported in 1990. To compare, overcrowding is much more significant in California with 15.2 percent of the total households in overcrowded situations in 2000.

Of the total of 12 overcrowded households, nine were renter households and three were owner households. Of the total overcrowded households, six renters reported being severely overcrowded.

Table 15: Overcrowded Households (2000-2011) - City of Ferndale

Households	Owners	Renters	TOTAL
TOTAL HOUSEHOLDS	452401	158218	610619
Total Overcrowded Households 0.50 or less occupants per room	3793	1029	38142
0.51 to 1.00 or less occupants per room — 1-1.5 Persons per Room	733	563	1296
— 1.5 or More Persons per Room 1.01 to 1.50 occupants per room	00	06	06
Statewide Overcrowding Rates 1.51 to 20.. occupants per room	03.6%	023.9%	015.2%
2.01 or more occupants per room	0	0	0

Source: HCD 5th Housing Element Data Package – Humboldt County Census Bureau (2000 Census SF 3: H20)

Households Overpaying

Generally, overpayment for housing considers the total shelter cost for a household compared to their ability to pay. Overpayment is an important measure of the affordability of housing in with the City of Ferndale. Specifically, overpayment is defined as monthly shelter costs in excess of 30 percent of a household's income. According to the Census, shelter cost is the monthly owner costs (mortgages, deeds of trust, contracts to purchase or similar debts on the property and taxes, insurance on the property and utilities) or the gross rent (contract rent plus the estimated average monthly cost of utilities).

In 2000-2011, approximately 154-218 households (29.741.1 percent) reporting to the 2000 census were in overpayment situations were considered overpaying for housing. (Table 16). This incidence of overpayment occurs fairly evenly between owner (5439.9%) and renter (4645.4%) households. Furthermore, of the 236 households reporting incomes less than \$35,000, approximately half were overpaying in 2000. However, for households with lower incomes, overpayment among renters is far more prevalent (86.9%) than among owners (47.3%). All extremely low and very low income renters were overpaying for housing in 2011.

Table 16: Households Overpaying (2000) – City of Ferndale

Households	Owners	Renters	TOTAL
Total Households Overpaying	83	71	154
LOWER INCOME HOUSEHOLDS			
Total Households with Income Less than \$35,000	123	113	236
Households Overpaying with Less than \$35,000	55	69	124

Source: Census Bureau (2000 Census SF 3: H69, H73, H94 and H97)

Table 16: Households by Income Category Paying in Excess of 30% of Income Toward Housing Cost (Overpayment by Income Category) (2011)

Household	Extreme Low	Very Low	Low	Moderate	Above Moderate	Total	Lower income
Ownership Households	56	22	75	68	190	411	153
Overpaying owner households	35	13	25	48	43	164	73
Percentage of overpaying owners	61.5%	60.1%	33.0%	71.4%	22.6%	39.9%	47.3%
Renter Households	30	11	11	35	32	119	52
Overpaying renter households	30	11	4	0	9	54	45
Percentage of overpaying renters	100.0%	100.0%	39.5%	0.0%	28.1%	45.4%	86.9%
Total Households	86	33	87	103	222	530	205
Overpaying households	64	24	29	48	52	218	118
Percentage of overpaying households	74.7%	73.5%	33.9%	47.0%	23.4%	41.1%	57.3%

Source: HCD 5th Housing Element Data Package – Humboldt County

Extremely Low Income Households

Extremely low income (ELI) is defined as households with income less than 30 percent of the area median income. In 2000 there were 58 ELI households in [the City Ferndale](#), representing approximately 9 percent of the total households (Table 17). Most ELI households are renters and experience a high incidence of housing affordability problems. Approximately 52 percent ELI households paid more than 50 percent of their income towards housing costs.

Table 17: Extremely Low-Income Households (2000) - City of Ferndale

Households	Owners	Renters	TOTAL
Total Number of ELI	20	38	58
Percent with Any Housing Problems	60%	79%	72%
Percent with Cost burden (30% of income)	60%	68%	65%
Percent with Severe Cost Burden (50% of income)	40%	58%	52%
Total Number of Households	218	401	619

Source: HUD Comprehensive Housing Affordability Strategy (CHAS), 2000 Data

Housing Stock Characteristics

Housing Units by Type

In [the City Ferndale](#), the proportion of single-family units increased significantly from 1990 to 2000, while the availability of multi-family units decreased. Trends slowed in 2009, single family detached units increased while single family attached units decreased, and there was a slight increase in multi-family units. There [has been was](#) no change in units that have five or more rooms [since 2000 between 2000 and 2009](#). [In 2013, single family attached and mobile homes decreased significantly from 2009 levels, while multi-family units increased by 140 percent.](#)

Table 18: Housing Units by Type (1990-2009) – City of Ferndale

Housing Unit Type	1990		2000			2009			2013		
	#	%	#	%	% Change	#	%	% Change	#	%	% Change
Single Family-Detach	472	79.3	538	81.0	14.0	578	81.0	7.4	<u>593</u>	<u>82.5</u>	<u>2.6</u>
Single Family-Attach	10	1.7	27	4.1	170.0	25	3.5	-7.5	<u>17</u>	<u>2.4</u>	<u>-32.0</u>
2-4 units	97	16.3	80	12.0	-17.5	83	11.7	3.8	<u>85</u>	<u>11.8</u>	<u>2.4</u>
5 Plus Units	9	1.5	10	1.5	11.1	10	1.4	0	<u>24</u>	<u>3.3</u>	<u>140.0</u>
Mobilehome *	7	1.2	9	1.4	28.6	10	1.4	11	<u>0</u>	<u>0.0</u>	<u>-100.0</u>
TOTAL	595	100	664	100		706	100		<u>719</u>	<u>100</u>	

Source: Census Bureau (2000 Census, SF 3: H30), [and](#) (1990 Census, STF: H020) [and HCD 5th Housing Element Data Package – Humboldt County](#)

*Mobilehomes includes "Other" (i.e., RV, Campers)

Vacancy

Vacancy trends in housing are analyzed using a "vacancy rate" which establishes the relationship between housing supply and demand. For example, if the demand for housing is greater than the available supply, then the vacancy rate is low, and the price of housing will most likely increase. Additionally, the vacancy rate indicates whether or not the City has an adequate housing supply to provide choice and mobility. HUD standards indicate that a vacancy rate of five percent is sufficient to provide choice and mobility. [Until 2009](#), Ferndale's vacancy rate [had been is](#) fairly stable at 7.65 percent. [By the 2010 Census, Ferndale's vacancy rate had risen to 14.8%.](#)

Table 19: Estimated Vacancy Rates, Humboldt County, 2009

Humboldt County Cities	2009 Vacancy Rate	2010 Vacancy Rate
Arcata	<u>3.05%</u>	<u>4.4%</u>
Blue lake	<u>9.08%</u>	<u>5.2%</u>
Eureka	<u>5.85%</u>	<u>6.2%</u>
Ferndale	<u>7.65%</u>	<u>14.8%</u>
Fortuna	<u>5.21%</u>	<u>6.1%</u>
Rio dell	<u>14.89%</u>	<u>5.2%</u>
Trinidad	<u>26.18%</u>	<u>25.8%</u>

Source: Department of Finance 2009, Table 2:E5 [and HCD 5th Housing Element Data Package – Humboldt County](#)

Table 20: Owners / Renters by Cities in Humboldt County

Geographic area	Occupied housing units	Specified owners			Specified renters		
		Median value \$	Median selected monthly owner costs (dollars)		Median contract rent	Median gross rent	Percent with meals included in rent
			w/ mortgage	w/o mortgage			
California	11,502,870	211,500	1,478	305	677	747	1.4
Arcata	7,066	149,000	973	262	485	546	0.0
Blue Lake	495	119,000	804	240	500	583	0.0
Eureka	10,942	114,000	875	234	428	495	0.9
Ferndale	619	162,100	1,148	310	482	559	0.0
Fortuna	4,190	130,700	960	234	462	526	0.0
Rio Dell	1,234	95,800	805	237	415	491	1.2
Trinidad	170	321,200	1,000	294	663	830	0.0

Source: 2000 U.S. Census

Housing Costs

Sales prices for homes in Ferndale have risen steadily in concert with the rise in housing across California since 1999. Purchasing a home remains extremely expensive and is out of reach for residents in extremely low, low, and moderate income levels. The housing market has seen a shift in recent years as lending practices have been scrutinized, the global economy is in downturn and national unemployment rates near 10 percent.

Rental units in the area vary from a Studio for ~~\$450 to~~ \$550, one bedroom apartment for ~~\$630~~ \$650 to \$750, two-bedroom apartment for ~~\$950~~ 695, two-bedroom detached unit for \$895 and two to three bedroom houses for ~~\$1095 to 1700~~ \$1400 (Humboldt Craigslist, accessed 3/13/2014). The median cost of rental housing in Ferndale in ~~2007-2011~~ was ~~\$828~~ \$918 (2007-2011 American Community Survey 5-Year Estimates).

Table 21: Estimated Median Home Sales – Ferndale

Region	Average \$
United States, 2006	185,200
California, 2006	537,700
Humboldt County, 2006	316,000
Ferndale	
January, 2007	427,419
January, 2003	276,693
January, 2002	230,618
January, 2001	223,019
January, 2000	171,300
January, 1999	166,634

January, 1998	157,088
January, 1997	180,066
January, 1996	149,294
January, 1995	133,000

Source: Ferndale Enterprise. These are houses listed with MLS and include houses in the Ferndale area, not necessarily inside the Ferndale City Limits. The highest and lowest are not included.

Source: Department of Finance

Construction Trends

As mentioned previously, three new subdivisions were approved between 2004 and 2009. The total new buildable parcels proposed are 13. These are all located in single-family zones. As shown in Table 22 below, in the last 10 years, 42 permits have been issued for single-family dwellings, and only 5 for multi-family units. In the near future, additional single-family dwellings will be built in the subdivisions. There is a potential for Second Dwelling Units in the Residential Single Family and Residential Suburban zones, and some infill spots available, ~~but not for sale~~. For the most part, single-family dwellings will continue to be prevalent within the city limits.

Table 22: Housing Permits issued – Ferndale

Unit Type	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Total Single Family Permits	3	5	5	5	10	4	5	4	0	0	1	0	4	0	1	2	42
Total Multi-family Permits	1	1	2	1	0	0	0	0	0	0	0	0	0	0	1	0	5

Table 23: Types of Housing 2009-2010 to 2013 – Ferndale

Type of Housing	Number 2010	2013	Percent Change
Total Housing Units	706	717	100.0%
1-unit, detached	578	591	102.0%
1-unit, attached	25	17	68.0%
2 to 4 units	83	85	102.0%
5 or more units	10	24	240.0%
Mobile home	10	0	0.0%

Source: [HCD 5th Housing Element Data Package – Humboldt County Department of Finance, 2009, Table 2-E5](#)

Housing Stock Conditions

Housing Condition

The City of Ferndale has an older housing stock with many structures noted for their historical architecture; almost half of Ferndale's structures date to 1939 or earlier. A majority of these structures are well maintained and many have been rehabilitated and upgraded. Structures in the central core of

the city are subject to design review to ensure that rehabilitation efforts are consistent with neighborhood characteristics.

Table 24: Age of Housing – Ferndale

Year Built	Number	Percent
1999 to March 2000	6	0.9
1995 to 1998	20	3.0
1990 to 1994	27	4.1
1980 to 1989	26	3.9
1970 to 1979	68	10.2
1960 to 1969	67	10.1
1940 to 1959	123	18.5
1939 or earlier	327	49.2

Source: 2000 US Census Data

In the final months of 2004 and the early months of 2005, the Planning Department conducted a walking Housing Condition Survey. All buildings in Ferndale were viewed and scored using a form adapted from the Housing and Community Development Department. Because all buildings were inspected in person, street and sidewalk condition was also catalogued. The form used to collect housing and site condition information is available at the end of this chapter.

There is a need for rehabilitation in the City of Ferndale. Many of the houses requiring rehabilitation need only minor to moderate repairs (14% minor; 13% moderate). Table 25 reveals that only 4 percent of total housing units need substantial rehabilitation and one percent are dilapidated; these dilapidated units need replacement.

Table 25: Housing Conditions 2005 - City of Ferndale

Housing Condition	Single Family Dwellings		Multiple Family Dwellings		Total	
	Number	Percent	Number	Percent	Number	Percent
Sound	412	69%	26	37%	438	66%
Minor repairs needed	70	12%	20	29%	90	14%
Moderate repairs needed	80	13%	9	13%	89	13%
Substantial repairs needed	18	3%	8	11%	26	4%
Dilapidated	6	1%	0	0%	6	1%
Not Evaluated	8	2%	7	10%	15	2%
Total Housing Units	594	100%	70	100%	664	100%

Source: City Planner Walking Survey

Business Item 7.6 Building and Land Use Permits

<i>BUSINESS ITEM</i>	<i>February 11, 2014 - March 10, 2014</i>	
<i>Building Permits</i>		
606	Main St	Re-Roof

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:	March 19, 2014	Agenda Item Number	7.7
Agenda Item Title	Design Review Committee Report		
Presented By:	Elizabeth Conner, City Clerk		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Receive and file report from Design Review Committee members.

BACKGROUND:

Chairman Von Frausing-Borch and staff have discussed having the two Design Review Committee members report on items of interest. This will be an on-going item on the agenda.

Section 8: CORRESPONDENCE



March 12, 2014

Cream City Investments
P.O. Box 1386
Ferndale CA 95536

Re: Tentative Major Subdivision and Lot Line Adjustments at Fifth and Arlington, APN 030-091-024 and 030-091-021

Dear Cream City Investments,

You contacted City staff to inquire about the status of the above referenced Tentative Map. In response, the following is a list of dates from City records and Subdivision Map Act provisions. On June 6, 2005, The City of Ferndale City Council approved with conditions the Tentative Major Subdivision and Lot Line Adjustments at Fifth and Arlington, APN 030-091-024 and 030-091-021. According to the Subdivision Map Act §66463.5(a), a tentative map expires 24 months after its approval. This would have been June 6th, 2007 for the subject map. However, on October 12, 2005, the Regional Water Board adopted Cease and Desist Order No. R1-2005-0087 (CDO#2), which imposed a restriction prohibiting new flows to Ferndale's wastewater treatment facility. According to the Subdivision Map Act §66463.5(f), this CDO constituted a development moratorium and extended the Tentative Map expiration date for up to five years or 120 days after the moratorium is lifted. Since the moratorium lasted longer than 5 years, the project was granted an expiration date 120 days from the end of the moratorium.

The expiration date on the Tentative Map, after accounting for §66463.5(f), would be July 13, 2012. However, a number of statutory extensions have been enacted by the State. These extensions also affect the expiration date. City Hall, the City Engineer, and the City Planner conferred to interpret the statutory extensions, and determined that Section 66452.23 (enacted in 2011) and Section 66452.24 (enacted in 2013) each extend the life of the Tentative Map for two years; which would extend the Tentative Map expiration date to July 13, 2016.

This is the City of Ferndale's interpretation of the Subdivision Map Act in response to your inquiry and is not legal advice. The applicant is responsible for determining the actual Tentative Map expiration date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie Rheume", is written over a light blue horizontal line.

Melanie Rheume
Contract City Planner

File: 5th Street Subdivision and LLA
Correspondence
Cc: City Clerk

Section 9: STAFF REPORTS

City of Ferndale, Humboldt County, California USA
Item 9.0 Staff Reports for March 19, 2014 Planning Commission Meeting.
Reporting to February 21, 2014

CITY PLANNER ACTIVITY

Task 1 – General Planning

- Coordinated with City Manager and City Clerk on planning and development projects.
- Responded to public inquiry regarding sign installation.
- Coordinated with staff on adopted Sign Ordinance permitting requirements.
- Met with City Manager to review budget.
- Responded to questions regarding process for installing an Electric Vehicle Charging Station on City property.
- Prepared summary of signage requirements for political and opinion signs for upcoming elections materials.
- Met with City Manager and Mayor to discuss City staff and appointed official roles and responsibilities.
- Responded to public inquiry regarding Parcel Merger application process and requirements. Revised Parcel Merger Checklist. Coordinated with Clerk and Engineer on process.
- 580 Main Street Design Review Use Permit Amendment – Corresponded with applicant (Administrative function).
- Attended 2/6 City Council Meeting. Prepared and presented the following items:
 - Consider adopting Ordinance No. 2013-04 Amending Zoning Ordinance 02-02 Design Review and Sign Regulations;
 - Introduce Ordinance No. 2014-01 Amending Nuisance Ordinance 06-04 Section 3.02;
 - Consider Adopting Resolution 2014-05 Authorization to Postpone Preparation of the City of Ferndale General Plan Noise & Air Quality Element and to Update Housing Element for State Housing Regulation Compliance
- Attended 2/19 Planning Commission Meeting. Prepared and presented 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.
- Coordinated with City Engineer and Colin Ganong from Transcon Environmental on correct City Boundaries. Provided shape file with correct boundary.
- Reviewed parking requirements for relocating businesses.

Task 2 – Reimbursable Fee Planning - None

Task 3 – Special Projects

- Old Nilsen Barn Property – Coordinated with City Manager, Engineer, and Ad Hoc Committee on potential uses. Advised on process, setback requirements, and CEQA considerations.

Task 4 – Additional Authorizations

- Nuisance Ordinance Update – Coordinated with City Attorney. Prepared Public Notice, Ordinance and report for 2/6 City Council meeting.
- Housing Element Implementation -- Prepared Public Notice, Ordinances and report for 2/19 Planning Commission meeting. Initiated revisions proposed by Planning Commission.

- Utility Undergrounding – Coordinated with City Manager, City Clerk, City Engineer, Michael Sweeney, Mike Warren, and Colin Ganong from Transcon Environmental on City-wide alternatives study.
- Russ Park LLA – Coordinated with City Manager and Ad Hoc Committee on Russ Park Lot Line Adjustment proposal. Advised on process, County application procedures, and CEQA considerations.

Task 5 – General Plan Review Fund

- Continued preparation of Noise & Air Quality Element Chapter 4 Noise. Prepared authorization to begin updating Housing Element. Update was authorized; initiated update and streamlined review of Housing Element.

CITY CLERK ACTIVITY

Meetings

- Daily Meetings with City Manager regarding work schedule and council agenda.
- Attended:
 - Regular City Council Meeting 2/6/14
 - Planning Commission Meeting 2/19/14
- Wrote agenda items and compiled packets for:
 - Regular City Council Meeting 2/6/14
 - Regular Planning Commission Meeting 2/19/14
 - Ad Hoc Committee on Old Nilsen Barn Uses
- Transcribed meeting minutes and uploaded meeting videos for:
 - Regular City Council Meeting 2/6/14
 - Regular Planning Commission Meeting 2/19/14
- Posted all meeting agendas and public notices on City Hall and Post Office bulletin boards.
- Uploaded meeting packets to City website.
- Met with Planning Commission Chair to discuss agenda packet for Planning Commission.

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.
- Continued training of 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.
- 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 Design Review Committee 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.

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- On-going correspondence with FPPC re current and future Form 700 filings.
 - 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.
 - Prepared summary of ballot measure and published in the Times-Standard; sent consolidation request to County.
 - Prepared agenda for Add Hoc Committee on Old Nielsen Barn and distributed.
 - 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.
 - Responded to two Public Records Act requests.
 - Discussions and communications on process for PG&E Undergrounding project.

Section 10: ADJOURN