
**EXCEPTION TO DEVELOPMENT STANDARDS
APPLICATION PROCESS**

**QUICK CHECK LIST FOR
SUBMITTAL**

- Standard Application Form
- Plans & Specs
- Fee Deposit

APPLICABILITY

Exceptions to Development Standards, specifically exceptions to height standards in Residential zones, may be granted upon application to the Planning Commission for a special permit in accordance with Section 12.02 of the Zoning Ordinance 02-02.

PURPOSE

The purpose of the Exceptions to Development Standards Permit is to provide an alternative to the Variance procedure for modifying standards related to heights of any structure, building or architectural feature to a height greater than the maximum height limits in Residential Zones. Findings required for variance approval often cannot be made for exceptions to height standards, and Zoning Ordinance 02-02 sets forth procedures allowing exceptions with a special permit in all Residential Zones.

Section 12.02 of Zoning Ordinance 02-02 provides for the granting of special permits by the Planning Commission for any use for which a special permit is permitted or required. An application for a special permit shall be accompanied by a filing fee set by resolution of the City Council. Public Hearings are required for special permits and shall be conducted according to Section 12.02.2 through 12.02.4 of the Zoning Ordinance.

PROCESS

1. Pre-application Review (optional)

This is an optional step recommended by staff. This step can include a review of preliminary plans and/or a meeting with City Staff. Staff may provide feedback in verbal and/or written form. Any feedback provided at this time is preliminary only, and subject to further refinement or change in the formal review process.

2. Application Completeness Check
 - a. Applicant files application form and other information required and pays all required fees and deposits. Two (2) copies of all materials are required.
 - b. Within 30 days of submission at City Hall, the City Planner reviews application materials to determine whether the application includes all information required and is considered complete. The City Planner may refer application materials to the City Engineer, or other staff, to obtain opinions regarding application completeness.

- c. If the application is deemed to be incomplete, the City Planner will provide a written explanation to the applicant within the 30-day review period.
 - d. Following notification of the applicant, incomplete applications are held without processing until such time as all deficiencies are corrected. (All administrative decisions are subject to appeal, as set forth in Article XI of the Zoning Ordinance.)
3. Application Processing
- a. Once the application is deemed complete, the applicant is contacted and requested to provide additional copies of application materials. A total of ten (10) complete sets of materials are required.
 - b. City Planner will distribute materials to selected staff with a Routing Sheet that specifies the date by which response is needed, and any other relevant information.
 - c. City Staff reviews application materials in accordance with his or her area of responsibility.
 - d. City Staff provides written comments and recommendations to the City Planner within the timeframe specified in the ROUTING SHEET.
 - e. City Planner performs environmental review as required by CEQA.
 - f. City Clerk or City Planner prepares Public Hearing notice for distribution. City Clerk or City Planner is responsible for posting of notice, newspaper publication of notice, and mailing of notices in accordance with Noticing Policy for Projects Requiring Public Hearings.
 - g. City Planner prepares a Project Report to the Planning Commission which includes, at a minimum, the following information.
 - Background information
 - Analysis of Application
 - Environmental Issues
 - Ordinance and Policy Issues
 - Recommendations and comments from other City Staff and outside agencies
 - Recommendations for action
 - Environmental determination
 - Approval (may include conditions) or denial
 - h. City Clerk or City Planner distributes Project Report to applicable City Staff and applicant.
 - i. City Clerk or City Planner is responsible for reproduction and inclusion of Project Report in Planning Commissioners' agenda packets.
4. Formal Consideration by Planning Commission
-

- a. Planning Commission considers application, including staff recommendations and public testimony, at a noticed public hearing.
- b. City Planner makes note of any changes to recommended conditions which may occur at the meeting and provides written notification of Planning Commission action to the applicant. Actions are usually by motion.
- c. Action by the Planning Commission is final, unless appealed to the City Council. Actions become effective following the mandatory 10-day appeal period.

IMPORTANT: The applicant or an authorized representative must be present at the Public Hearing to represent the application.

APPEALS

The decision of the Planning Commission is final unless appealed by the applicant or other affected party to the City Council. Appeals must be made within 10 calendar days of the date of Planning Commission action, as set forth in Zoning Ordinance Article XI.

Administrative decisions, including determinations relative to application completeness, may be appealed to the City Council within 10 days of staff's determination.

Fees for appeals are equal to the fee of the application being appealed.

APPLICATION REQUIREMENTS

A complete application consists of required forms, plans, and required fees and deposits, as described below.

1. Forms
 - a. Standard Application Form

2. Plans

Submit ten (10) copies at 1/8" scale (or alternate if necessary) on sheet no larger than 24" x 36". Use separate sheets if necessary. Site plans must include the following information:

- a. Name and address of applicant/owner
- b. Date, north arrow, scale
- c. Entire parcel boundary with dimensions
- d. Adjacent public and private streets and driveways

- e. All existing and proposed buildings and site features (significant trees and topographic features must be included.)
- f. Proposed structure requiring exception.
- g. Other data as may be required to permit the Planning Commission to make the required findings for approval of the special permit.

3. Required Fees and Deposits

Consult City Clerk or City Planner for current fee and deposit requirements.

TIME REQUIRED FOR PROCESSING

Following are processing time limits established by state law:

- o Maximum time to determine application completeness: 30 days
- o Maximum time to either approve or deny application: 105 days (Negative Declaration)

Note: The preceding time limits are the maximum allowable as specified by state law, unless waived in writing by the applicant. In most instances, applications will be processed in less time than described above. In all instances, applications will be processed as quickly as possible.

FEES

City of Ferndale processing fees are intended to cover all costs typically incurred by the City in processing of applications. Fees are based on estimates of the City's administrative costs. Fees are minimum and non-refundable. If a project is determined to require more time than covered by the minimum fee, then an estimate of additional time required and estimated actual cost will become the basis for a supplemental application fee. If the supplemental fee exceeds actual costs to the City, the balance will be refunded. Applicant shall pay all costs to City prior to filing of final decision on project application.

ADDITIONAL INFORMATION

For additional information concerning planning application requirements and procedures, contact Ferndale City Hall at 707.786.4224 or cityplanner@ci.ferndale.ca.us