

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

Location:	Ferndale City Hall 834 Main Street Ferndale, CA, 95536	Date:	January 7, 2026
		Time:	6:00 PM
		Posted:	December 30, 2026

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda before or during the Planning Commission consideration of the item. The public may also directly address the Commission on any item of interest to the public that is not on the agenda during the public comment time; however, the Commission generally cannot discuss or take action on an item not on the agenda.

A person addressing the Commission will generally be limited to five (5) minutes. While not required, we would appreciate it if you would identify yourself with your name when addressing the Commission.

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

BEFORE SPEAKING ON ANY ISSUE, PLEASE WAIT TO BE ACKNOWLEDGED BY THE CHAIR BEFORE PROCEEDING TO THE PODIUM. PLEASE DIRECT YOUR COMMENT TO THE COMMISSION ONLY.

1. CALL MEETING TO ORDER
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL – Chair Rocha, Commissioner von Frausing-Borch, Commissioner Altschuler, Commissioner Smith, and Commissioner Rudynski
4. MODIFICATIONS TO THE AGENDA
5. APPROVAL OF THE PREVIOUS MINUTES
6. 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 may be placed on the next regular agenda for consideration. This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes. Speaker time may be reduced if there is a large amount to speakers present.
7. DESIGN REVIEW PERMITS
8. PUBLIC HEARING
 - a. Resolution 2026-01, recommending that the City Council make all of the required findings, and adopt an ordinance repealing and replacing section 7.21 of Article 7 of Ordinance 02-02, the Zoning Ordinance, to ensure consistency with current state law **PAGE 4**
9. BUSINESS
 - a. Building Permits Issued November 26, 2025 – December 29, 2025 **PAGE 45**
10. CORRESPONDENCE
11. COMMISSIONER COMMENTS
12. STAFF COMMENTS
13. ADJOURN

**This notice is posted in compliance with Government Code §54954.2.
The next Regular Meeting of the Ferndale Planning Commission will be held on
February 4, 2026 at 6:00pm**

Section 1

CALL MEETING TO ORDER

Section 2

PLEDGE ALLEGIANCE

Section 3

ROLL CALL

Section 4

MODIFICATIONS TO THE AGENDA

Section 5

APPROVAL OF THE PREVIOUS MINUTES

Section 6:

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 7:

DESIGN REVIEW APPLICATIONS

Section 8:

PUBLIC HEARING

Meeting Date: January 7, 2026	Agenda Item Number: 8 . 1					
Agenda Item Title: Adoption of Resolution 2026-01, recommending that the City Council make all of the required findings, and adopt an ordinance repealing and replacing section 7.21 of Article 7 of Ordinance 02-02, the Zoning Ordinance, to ensure consistency with current state law.						
Presented By: City Planner						
Type of Item:	X	Action	X	Discussion		Information
Action Required:		No Action		Voice Vote	X	Roll Call Vote

PROJECT SUMMARY

Consideration of a Resolution of the Planning Commission of the City of Ferndale recommending that the City Council adopt the following updates to Ordinance 02-02, the City's Zoning Ordinance:

- In Article 7 (General Provisions and Exceptions), to comply with state law, repeal section 7.21 (Secondary/Accessory Dwelling Units) in its entirety, and replace it with text amendments for accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).
- In Article 3 (Definitions), update the definition of Secondary Dwelling Unit in section 3.67.
- Corrections of various errata and scrivener's errors contained in Ordinance 02-02, which include re-alphabetizing and organizing Article 7, and updating the formatting of sections that are inconsistent in style.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing, consider the totality of the record before it, including all comments presented at the public hearing, and recommends that the Planning Commission take the following action:

1. Adopt Resolution 2026-01 recommending that the City Council make all of the required findings, and adopt an ordinance repealing and replacing section 7.21 of Article 7 of Ordinance 02-02, the Zoning Ordinance, to ensure consistency with current state law.
2. Roll call vote.

BACKGROUND

The California Department of Housing and Community Development (HCD) has recognized ADUs and JADUs as an affordable housing solution, as they do not require the purchase of additional land or significant new infrastructure. ADUs and JADUs also allow homeowners to provide independent living spaces for family members or renters, supporting aging in place and enabling extended families to live nearby while preserving privacy. Recent changes to state law have simplified the development of ADUs and JADUs and require local jurisdictions to align with these state standards.

On September 20, 2019, the City Council adopted Ordinance No. 2019-02, which amended Ordinance 02-02 (Zoning Ordinance), section 7.21 of Article 7, to comply with then-current state requirements for ADUs. Since that adoption, new state ADU laws that further modify ADU and JADU requirements have been enacted on a near-annual basis.

PROJECT SUMMARY

On November 14, 2025, the California Department of Housing and Community Development (HCD) issued a Letter of Technical Assistance to the City of Ferndale regarding its existing Accessory Dwelling Unit (ADU)

ordinance. In that letter, HCD advised that the City's ADU regulations, codified in Section 7.21 of Zoning Ordinance 02-02, appear out of compliance with numerous provisions of State ADU Law. HCD also noted that if a local ADU ordinance fails to meet State law requirements, the ordinance is considered "null and void," and the City must instead apply default State ADU standards until a compliant ordinance is adopted. HCD specifically recommended that the City:

1. Repeal its current ADU ordinance; or
2. Amend and adopt a replacement ordinance that fully complies with State ADU statutes (Gov. Code §§ 66310–66344).

Because ADU and JADU applications are subject to ministerial approval within 60 days under State law (Gov. Code § 66317), continued application of non-compliant local standards may expose the City to legal risk and violate State requirements for timely and objective processing. To avoid this potential risk, on December 17, 2025, the City Council adopted Ordinance 2025-09, an interim urgency ordinance that suspends enforcement of the City's ADU and JADU regulations pending repeal and adoption of a state-compliant ADU ordinance.

The amendments to the Zoning Ordinance in Exhibit A proposed to repeal the existing ADU regulations in their entirety and adopt amendments that update the City's regulations for ADUs and JADUs to conform with Government Code Sections 66310-66342 by directly referencing state ADU law. The proposed amendments are the statutory minimum requirements for ADUs and JADUs. These amendments will address the immediate need to bring the City's ADU and JADU regulations into full compliance with state law, while not foreclosing the City's ability to adopt local ADU regulations in the future. Although cities are mandated to permit ADUs and JADUs, they are not required to adopt local ADU and JADU ordinances. A city may consider adopting local regulations to further encourage the creation of ADUs and JADUs, although a city's local ADU regulations cannot be more restrictive than state law. All local ADU ordinances are subject to compliance review performed by HCD, and any state law inconsistencies must be addressed to the satisfaction of HCD.

Please note that the City staff has been aware that its existing ADU ordinance is out of date, and staff have been applying State ADU law directly in the evaluation of ADU requests and applications. Also, numerous local agencies across the state have received similar letters—Ferndale is not the exception.

ZONING ORDINANCE TEXT AMENDMENTS

The following amendments are proposed to the City's ADU Ordinance to ensure compliance with current state law. Specifically, section 7.21 will be repealed in its entirety and replaced with the following language:

§7.21 Accessory Dwelling Units and Junior Accessory Dwelling Units:

Sections of 66310 – 66342 of the California Government Code are hereby adopted and made part of this ordinance as though fully set forth herein.

Additionally, the definition of Secondary Dwelling Unit at section 3.66, is proposed to be amended to further distinguish secondary dwelling units from accessory dwelling units. Also, the proposed changes to the definition intend to reflect the state law requirement (Gov. Code 66332) that cities are to provide a pathway to legalize an accessory dwelling unit that was constructed before 2017 but did not receive city permits:

§3.66 Secondary Dwelling Unit (Section amended by Ordinance 2025-04 on 8/20/2025, and was previously numbered as section 3.64): A separate residential unit permitted and constructed prior to January 1, 2017, containing sleeping, kitchen and bathroom facilities, created on a lot zoned R-1 or R-S that already contains one legally created residential unit and that has not been permitted as an accessory

dwelling unit.

ENVIRONMENTAL ASSESSMENT

The proposed zoning ordinance text amendment is exempt from the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code §21080.17, CEQA does not apply to ordinances implementing Government Code §65852.2, which governs Accessory Dwelling Units (ADUs) and Junior ADUs (JADUs). The ordinance is also categorically exempt under CEQA Guidelines §15303 (Class 3), which covers the construction or conversion of small accessory structures, such as ADUs and JADUs.

PUBLIC HEARING NOTICE

The public hearing notice has been published and distributed in accordance with Article 8 of the Zoning Ordinance. Additionally, a public hearing notice was sent to the Ferndale Enterprise for publishing in the December 25, 2025, edition of the Ferndale Enterprise. On December 22, 2025, the same public hearing notice was also posted at City Hall and the bulletin board in the post office, and on the City's website.

ATTACHMENTS

- A – Resolution 2026–01, and Exhibit A, Proposed Text Amendments to the Ferndale Zoning Ordinance
- B – November 14, 2025 Letter of Technical Assistance from the California Department of Housing and Community Development

ATTACHMENT A
RESOLUTION 2026-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FERNDALE
RECOMMENDING THE CITY COUNCIL MAKE THE REQUIRED FINDINGS
TO ADOPT AMENDMENTS TO ORDINANCE NO. 02-02, THE FERNDALE ZONING ORDINANCE,
TO AMEND ACCESSORY DWELLING UNIT PROVISIONS TO COMPLY WITH STATE LAW

WHEREAS, the City of Ferndale (City) is a general law city, incorporated under the laws of the State of California; and

WHEREAS, California Government Code Section 65850, et seq. authorizes cities to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, on October 9, 2019, Governor Gavin Newsom signed Senate Bill 13 Assembly 881, and other legislation (collectively, the “Bills”) into law, amending Government Code Sections 65852.2 and 65852.22, and adding Health and Safety Code Section 17980.12, thereby establishing statewide requirements for ADUs and JADUs; and

WHEREAS, on September 20, 2019, the City Council adopted Ordinance No. 2019-02 that amended Ordinance 02-02 (Zoning Ordinance), section 7.21 of Article 7, to comply with changes in state law related to Accessory Dwelling Units (ADUs), inclusive of Junior Accessory Dwelling Units (JADUs); and

WHEREAS, since the adoption of Ordinance No. 2019-02, state ADU law has been amended in 2020, 2021, 2023, 2024, and 2025, including enactment of Senate Bill 477 in 2024, which reorganized and recodified the State’s ADU and JADU provisions into Government Code Sections 66310 through 66342 without substantive change; and

WHEREAS, on November 14, 2025, the California Department of Housing and Community Development (HCD) issued a Letter of Technical Assistance advising that the City’s ADU ordinance appears out of compliance with multiple provisions of State ADU Law and may therefore be “null and void” under Government Code section 66316, requiring the City to apply default State standards; and

WHEREAS, HCD recommended that the City repeal its current ADU ordinance and adopt an updated, state-compliant ordinance to ensure clarity for applicants and consistency with State housing requirements; and

WHEREAS, on December 17, 2025, the City Council unanimously adopted Ordinance 2025-09, an Interim Urgency Ordinance immediately suspending enforcement of section 7.21 of the Zoning Ordinance in order to ensure that all ADU applications are processed legally, consistently, and without delay, pending repeal and replacement with a state-compliant ADU ordinance; and

WHEREAS, in order to further comply with state law, it is necessary for the City to amend its Zoning Ordinance to ensure that its provisions conform to and align exactly with the requirements set forth under Sections 66310 – 66342 of the California Government Code; and

WHEREAS, the amendments to the Zoning Ordinance, as identified in Exhibit A, attached hereto and hereby incorporated by reference in its entirety, propose to repeal and replace section 7.21 of Article 7 (General Provisions and Exceptions) of the Zoning Ordinance to update the regulations governing ADUs and JADUs to comply with State law; update the definition of secondary dwelling unit in section 3.66 of Article 3 (Definitions) to distinguish secondary dwelling units from accessory dwelling units; and address various errata, scrivener’s errors, and inconsistent formatting and styling; and

WHEREAS, this Ordinance is intended to promote consistency between the City's Zoning Ordinance for ADUs, JADUs, and state law, eliminate any conflicts or discrepancies, and ensure enforceability in accordance with state legal standards.

WHEREAS, on December 22, 2025, the City published a public hearing notice in the December 25, 2025 edition of the Ferndale Enterprise, and posted the same notice in conspicuous locations including City Hall and the City website, specifying the availability of the proposal, and the date, time, and location of the public hearing for these amendments to the Zoning Ordinance; and

WHEREAS, the Ferndale Planning Commission held a duly noticed public hearing on January 7, 2026, to consider the recommended amendments and CEQA finding; and

WHEREAS, the Planning Commission has considered the staff report, supporting documents, public testimony, the Planning Commission's recommendation that the City Council adopt the proposed amendments to the Zoning Ordinance, and all appropriate information that has been submitted with these amendments; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby finds and determines as follows:

SECTION 1. Recitals. The above and foregoing recitals are true and correct, and each is incorporated in full herein by reference.

SECTION 2. Public hearing notices and public participation. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with state law.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council make all of the required findings, and adopt, by ordinance, amendments to the Zoning Ordinance, Ordinance 02-02, as identified in Exhibit A, attached hereto and hereby incorporated in its entirety by reference:

SECTION 3. Findings. That all of the following findings are hereby made:

A. California Environmental Quality Act (CEQA). The proposed zoning ordinance text amendments are exempt from the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code § 21080.17, CEQA does not apply to ordinances implementing Government Code §65852.1, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code, which governs ADUs and JADUs. Accordingly, the proposed ordinance is statutorily exempt from CEQA because it implements the State's ADU and JADU laws.

In addition to the statutory exemption, the proposed ordinance is categorically exempt under the Class 3 exemption set forth in CEQA Guidelines § 15303. The Class 3 exemption applies to the construction and location of new, small structures and the conversion of existing small structures from one use to another. Section 15303 specifically lists appurtenant accessory structures and garages as examples of activities covered by this exemption. Here, the ordinance qualifies for the Class 3 exemption because it regulates the construction of, and conversion of existing structures into, ADUs and JADUs, which are accessory to a primary dwelling and limited in size.

B. Consistency with the Ferndale General Plan. The text amendments repeal the existing ADU regulations and adopt new provisions addressing both ADUs and JADUs, in accordance with California Government Code Sections 66310 through 66342. The proposed amendments implement the City's goals and policies related to housing, land use, and residential development. They support the General

Plan's objectives to provide a range of housing types, promote efficient use of existing residential neighborhoods, and facilitate housing affordability, while maintaining the character and quality of the community.

C. Public Interest. Adopting ADU and JADU regulations that are consistent with state law is in the public interest because it avoids creating substantial confusion for property owners and applicants who prepare applications relying on outdated standards. Adopting compliant ADU and JADU relations also wards off risks, including improper denial or delay of ADU applications; violation of the Housing Accountability Act and State ADU statutes; exposure to attorney's fees and enforcement action by HCD or private applicants.

D. Consistency with the Zoning Ordinance and Other City Ordinances. The proposed text amendments to the Zoning Ordinance are internally consistent with other applicable provisions of the Zoning Code. The amendments repeal the existing ADU regulations and adopt new provisions addressing both ADUs and JADUs, ensuring that the City's regulations fully conform to the requirements of California Government Code Sections 66310 through 66342. The new provisions maintain consistency with the City's residential development standards, use classifications, and permitting procedures, thereby preserving alignment with the overall framework of the Zoning Code.

SECTION 4. Based on upon the findings and conclusions set forth herein, the Planning Commission hereby recommends that the City Council adopt the amendments to the Zoning Ordinance, Ordinance 02-02, of the City of Ferndale as described in Exhibit A, as attached to this Resolution and referenced in the related staff report.

THE FOREGOING RESOLUTION IS HEREBY PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Ferndale, State of California this 7th day of January 2026, by the following ROLL CALL vote of the Planning Commission for the City of Ferndale:

YES:

NO:

ABSTAIN:

ABSENT:

Jerry Rocha, Chair

Attest:

Kristene Hall, City Clerk

Exhibit A

Proposed Text Amendments to the Ferndale Zoning Ordinance

**January 7, 2026 Public Hearing
of the Ferndale Planning
Commission**

**Project location of proposed text amendments:
Citywide in the City of Ferndale.**

Notes:

1. The proposed amendments to Ordinance 02-02 (Zoning Regulations) are shown in underlined text for additions and ~~strikethrough~~ text for deletions.
2. All sub-sections not included in the below Sections shall continue in full force, unamended by this Ordinance.

§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.

§3.58 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.

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

§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.

§3.61 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.

§3.62 Recreational:

- 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.
- 3.62.2 Recreational, Private, Noncommercial: Clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization and their guests.

§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.

§3.64 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.

§3.65 Routine Maintenance: See Section 3.48 3.51 Minor Repair.

§3.66 Secondary Dwelling Unit (Section amended by Ordinance 2025-04 on 8/20/2025, and was previously numbered as section 3.64): A separate residential unit permitted and constructed prior to January 1, 2017, containing sleeping, kitchen and bathroom facilities, created on a lot zoned R-1 or R-S that already contains one legally created residential unit and that has not been permitted as an accessory dwelling unit.

§3.67 Single Room Occupancy or SRO (Added by Ordinance 2025-06 on 11/19/2025): Multiple-unit residential building(s) containing housing units that may have kitchen and/or bathroom facilities and are single room dwelling units or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than 2 persons, for no less than 30 days, and the unit is the occupants' primary residence. A housing facility that is configured as SRO units that meets the State definitions for transitional housing or supportive housing shall be regulated as transitional housing or supportive housing as applicable.

§3.68 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.

§3.69 Sign: (This entire section was repealed by Ordinance 2013-02 on December 7, 2013).

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.

3.82.2 (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)

3.82.3 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.

3.82.4 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.

§3.83 Wrecking Yard: See Junk Yard, Section [3.423.44](#).

§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.

3.84.1 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.

3.84.2 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.

3.84.3 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.

§3.85 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

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.

[The following sections will be re-alphabetized which will cause the sections and subsections that follow to be renumbered accordingly. For example, section 7.29 Demolition of Existing Hotels, Motels, and Multifamily Buildings, section 7.30 Single Room Occupancy Housing, and section 7.31 Supportive Housing Developments will be reorganized to alphabetical order which will renumber the existing sections accordingly.]

Accessory Building: See Section 7.10 "Height Limitations"; 7.21 "Secondary Accessory Dwelling Units and Junior Accessory Dwelling Units"; 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 $\frac{1}{2}$ 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 Number of living quarters occupied for compensation, including rooming and boarding uses: two (2)-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 Fences (This section amended by Ord. 2020-04 on 2/12/07)

a. **a. Fences defined.** For purposes of this Section 7.08.2, a fence shall mean an artificially constructed barrier consisting of any materials, intended to form an enclosure, mark a boundary, prevent intrusion, provide a screen, and including walls or like structures, but not a building wall.

b. **b. Fences, Generally.** No fence shall exceed a height of six (6) feet on any portion of a lot within the City.

c. **c. Fences in Front Yards of Any Lot.** Fences located in the front yard, as that term is defined by Section 3.80.1 of this Ordinance, of any lot shall not exceed four (4) feet in height. The height restriction set forth in this sub-section shall apply to any fence located in the front yard of any lot regardless of whether the fence runs in a direction that is generally parallel or perpendicular to the front street line. The height restriction set forth in this sub-section is subject to Section 7.08.1, regulating the sight visibility triangle.

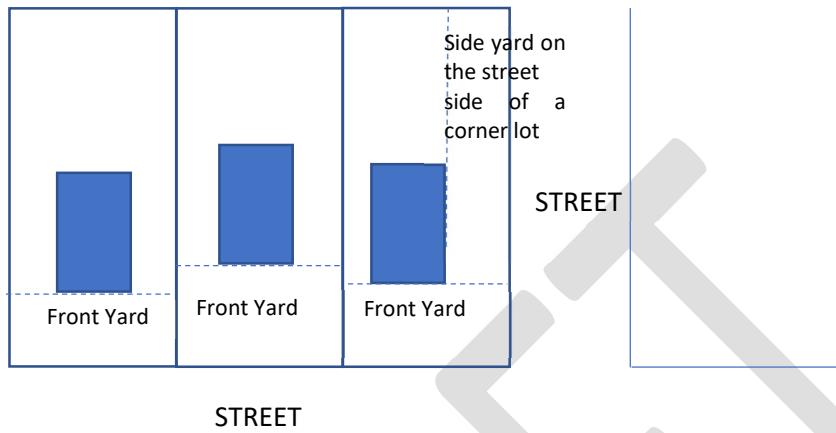
d. **d. Fences in the Side Yards on the Street Side of Corner Lots.** Fences located in the side yard on the street side of a corner lot, as those terms are defined by Sections 3.47.2 and 3.80.3 of this Ordinance, shall not exceed six (6) feet in height from the front corner of the main structure to the rear lot line.

e. **e. Height of a Fence.** The height of a fence shall be measured from the higher finished grade adjoining the fence.

f. **f. Prohibited Fence Materials.** No Fence shall be constructed using barbed or razor wire, electrified fence material, chain link fence material, or other materials not typically used, designated, or manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

g. **g. Permit Required.** To the extent required by the Zoning Ordinance or the Building Inspector - Construction Code Ordinance, any person who intends to construct a fence shall first obtain all required permits from the City.

h. ~~f.~~ **Illustration.** For purposes of illustration, the following diagram demonstrates the pertinent areas affected by sub-sections "c" and "d" of this Section 7.~~0809~~ 2:



7.08.3 and 7.08.4 (*These sections deleted by Ordinance 2020-04*)

§7.09 Guest House (Relocated in its entirety to Article 3 by Ordinance 2025-04 on 8/20/2025)

§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 (Amended by Ordinance 2014-02 on 5/1/2014):

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

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 (This section amended by Ordinance 2014-06 on 2/4/2015): Except as provided for in §7.16.6 through §7.16.8 of this Ordinance, off-street parking and loading spaces shall be provided in all zones in conformity with Americans with Disabilities Act (ADA) design regulations and the following:

- 7.16.1 Each parking space shall be not less than eight (8) feet wide and sixteen (16) feet long with seven (7) feet of vertical clearance, and each loading space shall be not less than ten (10) feet wide, twenty (20) feet long with fourteen (14) feet of vertical clearance.
- 7.16.2 Each parking space shall be located on the same parcel, or a contiguous parcel under the same ownership, as the use it serves.
- 7.16.3 When the number of off-street parking spaces required for a structure or use is based on the number of employees, it shall be based upon the shift or employment period during which the greatest number of employees are present.
- 7.16.4 When a building contains two or more uses, the total required number of off-street parking spaces shall be the sum of the requirements for all uses. Off-street parking spaces for one use may not be considered as providing required off-street parking

spaces for other uses unless a shared parking plan is submitted and approved in accordance with §7.16.8 of this Ordinance.

7.16.5 Parking spaces shall be provided per subsections a-h and j. Loading spaces shall be provided per subsections i and j:

- 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. Emergency Shelters: one (1) space for every 5 beds and one (1) additional for each three (3) staff members.
- e. Offices and retail establishments: one (1) for each 500 square feet of floor area. In addition to providing one parking space for each 500 square feet of floor area, Medical and dental offices shall provide one (1) parking space for each staff member.
- f. Restaurants and Department of Alcoholic Beverage Control (ABC) licensed premises: one (1) for each 300 square feet of floor space or maximum capacity as determined by the fire marshal, whichever is greater, including outdoor patios and spaces receiving food or ABC licensed service.
- g. Wholesale, industrial and public utility buildings: one (1) for each three (3) employees.
- h. Recreation and education uses, and theaters: one (1) for each 500 square feet of floor area.
- i. Every commercial use occupying more than 5,000 square feet of floor area in any building shall provide one (1) loading space. One additional loading space shall be provided for every 20,000 square feet of floor area in excess of 5,000 square feet.
- j. Public Facilities referenced in §5.17.1 subsections a-c, excluding emergency shelter in subsection d, and Quasi-Public Facilities as defined in this Ordinance are exempt from §7.16 Off-Street Parking regulations.
- k. All off-street parking areas shall be accessible from a public street, alley, or driveway. A ten (10) foot wide unobstructed vehicular access lane shall be maintained.

7.16.6 Any reconstruction or change in use of any structure after the effective date of these amendments, that is located within the Off-Street Parking Exemption Area, shall be exempt from off-street parking requirements provided that said reconstruction or change:

- a. Occurs within the existing square footage as of the effective date of these amendments and,
- b. Does not result in an increase in lodging or residential units.
- c. The re-establishment of residential or lodging units which were in place at the effective date of these amendments shall be exempt from these requirements if the same or fewer number of units are re-established.

7.16.7 Any reconstruction or change in use which results in additional square footage after the effective date of these amendments, located in the commercial zone on Main Street from Eugene Street to Lewis Court and which structure extends one (1) lot deep, may be subject to parking requirements set forth in Section 7.16.5.

7.16.8 Alternative parking arrangements

- a. Alternatives to the parking requirements of this Ordinance may be approved as follows:
 - i. City staff may approve the required amount of parking spaces provided in an approved off-site location in compliance with Subsection b, below; or
 - ii. City staff may approve a shared parking plan submitted and approved in compliance with Subsection c, below; or
 - iii. Some other parking arrangement is provided and authorized by the Planning Commission as a Use Permit.
 - iv. Alternatives unable to be approved by staff will be submitted for review by Planning Commission.
 - v. Approved alternatives will go on record as an entitlement on the property deed, submitted through the city clerk.
 - vi. Any change in land use affecting alternative parking arrangement agreements must be approved through city staff, or the Planning Commission pursuant to this section.
- b. Parking may be located offsite in compliance with the following:
 - i. Offsite parking must be located within 300 feet of the structure in which the proposed use is located.
 - ii. Required parking spaces that are approved offsite shall be committed by a lease or other agreement and filed at City Hall.
 - iii. The owner/operator of a business that uses approved offsite spaces to satisfy parking requirements shall immediately notify City staff of a change of ownership or use of the property for which the spaces are required, and of termination or default of the agreement between the parties.
 - iv. Upon notification that a lease for required offsite parking has terminated, one of the following shall occur:
 - (a). Substitute parking shall be provided; or
 - (b). The size or capacity of the use shall be reduced so that the number of spaces provided comply with this Ordinance.
- c. Parking spaces may be shared by two or more adjacent uses in compliance with the following:
 - i. Up to one hundred percent (100%) of the parking spaces serving a use may be shared by other uses not normally open or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility.
 - ii. A written agreement defining the shared parking shall be executed by all parties concerned and filed on record as an entitlement on the property deed, submitted through the city clerk.
 - iii. Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require a new application under this subsection.

7.16.9 Parking requirement compliance as set forth in this Ordinance shall be approved by contract City Staff. Approved parking requirement adherence documentation will become part of the City's property record.

§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/Accessory Dwelling Units and Junior Accessory Dwelling Units:
Sections of 66310 – 66342 of the California Government Code are hereby adopted and made part of this ordinance as though fully set forth herein.

(The following sections and subsections, specifically 7.21.1 through 7.21.9 inclusive, are repealed in their entirety by Urgency Ordinance 2025-09 on 12/17/2025)

7.21.1 Purpose and Scope:

~~The purpose of this section is to provide regulations for the establishment of accessory dwelling units in compliance with California Government Code Section 65852.2. Said units may be located in residential zone districts where adequate public facilities and services are available. Accessory dwelling units are a potential source of affordable housing and shall not be considered in any calculation of allowable density of the lot upon which they are located, and shall also be deemed consistent with the General Plan and zoning designation of the lot as provided. Accessory dwelling units shall not be considered a separate dwelling unit for the purpose of subdividing the property into individual condominium or lot ownership.~~

7.21.2 Definitions:

~~For the purposes of this section, the following words are defined:~~
~~"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:~~

~~(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.~~
~~(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.~~
~~"Attached" means a wall, floor, or ceiling of an accessory dwelling unit is shared with the primary residence on the property.~~

~~"Behind" means an accessory dwelling unit constructed either entirely between the rear of the primary residence and the rear property line, or at the side of the primary~~

~~residence, and set back from the front plane of the primary residence at least 50 percent of the distance between the front and back planes of the primary residence. "Buildable pad area" means the level finish grade of the lot not including slopes greater than 30 percent.~~

~~"Conversion" means the alteration of an existing physical space such as a garage, carport, or covered parking structure, to an accessory dwelling unit intended for residential use.~~

~~"Detached" means an accessory dwelling unit separated from the primary residence or accessed from primary residence by a breezeway.~~

~~"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.~~

~~"Living area" means the interior habitable area of a dwelling unit including finished basements and attics, but does not include garages or any accessory structure. "Mature tree" means an otherwise non protected tree with a diameter at breast height (DBH) of 19 inches or greater. "Primary residence" means a proposed or existing single family dwelling constructed on a lot as the main permitted use by the zone on said parcel.~~

~~"Tandem parking" means that two or more vehicles are parked on an established driveway or in any other approved location on the lot lined up behind one another.~~

7.21.3 Applicability.

- a. ~~Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this section.~~
- b. ~~The City Manager or his/her designee shall review and approve, conditionally approve, or deny ministerial permits for accessory dwelling units conforming to the provisions of this section within the time limits specified by Government Code Section 65852.2 or successor provision.~~

7.21.4 Location standards.

- a. ~~Permitted Zones. Accessory dwelling units are permitted in the following zoning districts:~~
 - i. ~~One newly constructed accessory dwelling unit or junior accessory dwelling unit may be constructed on any legal parcel that allows single-family residential as a principally permitted use.~~
 - ii. ~~Conversions to an accessory dwelling unit that meet all of the following criteria shall be permitted in all zoning districts that permit single-family residential uses:~~
 1. ~~The accessory dwelling unit is contained within a legally constructed existing space (i.e., a fully enclosed area, including a garage) of a primary single-family dwelling or structure accessory to a primary single-family dwelling.~~
 2. ~~There is an independent exterior access from the existing residence.~~
 3. ~~Side and rear setbacks are sufficient for fire safety as determined by the Building Official at the time of application.~~
 4. ~~All applicable building and safety codes are met.~~
 5. ~~Only one accessory dwelling unit will exist on the site.~~

b. ~~Minimum lot area.~~
i. ~~Conversion to accessory dwelling unit. None.~~
ii. ~~Newly constructed accessory dwelling unit:~~
1. ~~RS and R1 zoning districts. One accessory dwelling unit may be constructed on any legal parcel of 5,000 square feet or more in size.~~
2. ~~All other permitted zoning districts. One accessory dwelling unit may be constructed on any legal parcel, regardless of lot size.~~
c. ~~Accessory dwelling units or junior accessory dwelling units are not permitted on lots developed with condominiums, townhomes, apartments, or similar multi-family developments.~~
d. ~~Construction of a primary residence can be in conjunction with the construction of an accessory dwelling unit. The conversion of a guest house, other similar living areas, or other accessory structures into an accessory dwelling unit is permitted, provided the conversion meets the intent and property development standards of this section, and all other applicable requirements.~~

7.21.5 ~~Development Standards.~~

a. ~~Newly Constructed Accessory Dwelling Units-Unit size.~~
i. ~~Minimum unit size. The accessory dwelling unit shall be no less than 150 square feet in size.~~
ii. ~~Maximum unit size.~~
1. ~~For parcels less than 10,000 square feet in size: 800 square feet or 50 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.~~
2. ~~For parcels equal to or greater than 10,000 square feet in size: 1,200 square feet or 50 percent of the proposed or existing primary dwelling living area (i.e., all fully enclosed area, excluding garages and detached structures), whichever is less.~~

b. ~~Site planning. A detached accessory dwelling unit shall be located behind the rear building line of the primary residence, and be clearly subordinate in location and size.~~

c. ~~Setback requirements. The minimum required setbacks shall comply with Section 7.27 ("Yards"), except that the minimum rear yard setback for a detached Accessory Dwelling Unit shall be no less than 10 feet. A minimum setback of five feet from the side and rear property lines shall be required for an attached accessory dwelling unit that is constructed above an attached garage.~~

d. ~~Building separation. A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit.~~

e. ~~Maximum height. To ensure accessory structures remain subordinate to the primary residence, detached accessory dwelling units should generally not exceed 15 feet to the top plate and 20 feet to the highest ridgeline. However, the highest ridgeline of newly constructed attached accessory dwelling unit may extend to the maximum allowed height in the applicable zone, if the existing primary residence is of an equal height.~~

~~f. Connection Fees. For purposes of providing service for water, sewer, or power, including a connection fee, an accessory dwelling unit shall not be considered a separate dwelling unit.~~

~~7.21.6 Historic Resources.~~

~~a. Historic Districts.~~

~~Accessory dwelling units are prohibited in historic districts (e.g., National Register, Landmark, etc.) unless the accessory dwelling unit is one of the following:~~

- ~~i. A converted accessory dwelling unit; or~~
- ~~ii. A newly constructed accessory dwelling unit that is not visible from the public right of way.~~

~~b. Individually Designated Historic Properties.~~

- ~~i. Newly constructed accessory dwelling units are prohibited on individually designated historic properties that are listed on the National Register of Historic Places.~~
- ~~ii. Converted accessory dwelling units are permitted on individually designated historic properties that are either located on a Local or State Register of Historic Places, provided the location and design of the accessory dwelling unit meets corresponding historical preservation requirements in place at the time the accessory dwelling unit is built, and complies with the requirements of this section including the following:~~

- ~~1. The accessory dwelling unit shall be subordinate to a primary residence that is determined to be a historic resource.~~
- ~~2. The construction of the accessory dwelling unit shall not result in the removal of any other historically significant accessory structure, including garages, outbuildings, stables or other similar structures.~~
- ~~3. Windows and doors (including garage doors) for historic properties that are original to the structure are required to be retained, unless this requirement prevents creation of the accessory dwelling unit.~~
- ~~4. The accessory dwelling unit shall be designed as to have a distinguishable but compatible architectural style from the historic primary residence or structure, as required by the Secretary of Interior Standards Guidelines for Rehabilitation. New additions and related new construction that are either identical to the historic building or in extreme contrast to it are not compatible.~~
- ~~5. Construction of an accessory dwelling unit shall not result in demolition, alteration or movement of any historic structures and any other on-site features that convey the historic significance of the structure and site.~~
- ~~6. Any "mature tree" shall be replaced by a seedling at a one-for-one ratio if it is proposed to be removed in order to construct a newly constructed Accessory Dwelling Unit.~~
- ~~7. Newly constructed accessory dwelling units on individually local or state designated historic properties are also subject to Section~~

~~7.21.7 (Design Standards for all Newly Constructed Accessory Dwelling Units).~~

~~7.21.7 Design Standards for all Newly Constructed Accessory Dwelling Units.~~

~~a. The lot shall retain a single family appearance by incorporating architectural design elements, building materials and colors of the primary residence with the accessory dwelling unit. The accessory dwelling unit shall be subject to the following development design standards:~~

~~i. Matching architectural components shall be shared between the primary residence, accessory dwelling unit, and any other accessory structures to provide visual compatibility and ensure subordination to the main structure. These components may include, but are not limited to:~~

- ~~1. Window and door type, style, design and treatment;~~
- ~~2. Roof style, pitch, color, material and texture;~~
- ~~3. Roof overhang and fascia size and width;~~
- ~~4. Attic vents color and style;~~
- ~~5. Exterior finish colors, texture and materials, including siding and trim.~~

~~ii. Windows on second story accessory dwelling units shall be staggered and oriented away from adjacent residences closer than 10 feet to the greatest degree feasible. The location and orientation of balconies or decks shall also be oriented away from adjacent neighbors' backyard and living space windows.~~

~~7.21.8 Parking and circulation standards.~~

~~a. Required parking. One additional parking space shall be provided on site for the accessory dwelling unit. The on site parking space required for the accessory dwelling unit may be provided as covered, uncovered, or as tandem parking on an existing driveway.~~

~~i. Exception. No additional parking space is required for an accessory dwelling unit if it meets any of the following conditions:~~

- ~~1. The accessory dwelling unit is located within one half mile of a public transit stop;~~
- ~~2. The accessory dwelling unit is located within an architecturally and historically significant district;~~
- ~~3. The accessory dwelling unit is contained within legally constructed existing space (i.e., all fully enclosed area, including a garage) of the primary dwelling or accessory structure, as specified in Section 17.50.275.B.1.a.(1);~~

~~b. Replacement parking. If an existing garage or carport serving as the required parking for the primary dwelling unit is demolished in conjunction with the construction of an accessory dwelling unit, the required replacement parking spaces for the primary residence may be provided as covered, uncovered, or as tandem parking on an existing driveway, provided the driveway is sufficient in length and width.~~

~~7.21.9 Junior Accessory Dwelling Units.~~

- a. ~~In single family residential zones, a junior accessory dwelling unit is permitted and shall meet all of the following:~~ One junior accessory dwelling unit per residential lot zoned for single family residences with a single family residence already built, and where no ADU or guest house exists on the lot.
- b. ~~Owner Occupancy.~~ Owner occupancy is required in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- c. ~~A permitted junior accessory dwelling unit shall be constructed within the existing walls of the structure, and require the inclusion of an existing bedroom.~~
- d. ~~Separate Entrance.~~ A separate entrance from the main entrance to the structure is required, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.
- e. ~~Kitchen Requirements.~~ An efficiency kitchen for the junior accessory dwelling unit is required, and shall include:
 - i. ~~A sink with a maximum waste line diameter of 1.5 inches.~~
 - ii. ~~A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas.~~
 - iii. ~~A food preparation counter and storage cabinets.~~
- f. ~~Parking.~~ Additional parking is not required for a junior accessory dwelling unit.
- g. ~~Connection Fees.~~ For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- h. ~~Sale of Units.~~ The sale of a junior accessory dwelling unit separate from the sale of the single family residence is prohibited and will be enforced by deed restrictions.
- i.a. ~~Recorded covenant.~~ Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the city to notify subsequent owners of the requirements of this Section.

Setbacks: See 7.27 "Yards"

§7.22 Signs and Nameplates: The entire §7.23 was repealed by Ordinance 2013-02 Sign Ordinance.

§7.23 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:

- 7.23.1 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.
- 7.23.2 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.

7.23.3 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.

§7.24 Sidewalks: (This Entire Section added April 19, 2019 by Ordinance 2019-01)

7.24.1 Maintenance and Repair of Existing Sidewalks is the Responsibility of the Owner. Property

- a. To avoid trip and fall accidents, hazardous sections of sidewalks shall be repaired or replaced promptly.
- b. An encroachment permit from the City is required before repair work can begin.
- c. Repaired or replaced sections of sidewalk shall match the form, texture and color of the original sidewalk on the block to the satisfaction of the City Engineer.
- d. Width of repaired sidewalk shall match existing sidewalk width.
- e. Replacement driveway and corner cuts shall use ADA standard

7.24.2 New Construction. a. Comply with City Standards (7.xx.3) and current ADA requirements.

7.24.3 Design Standards.

- a. All new sections of sidewalks shall match the form, texture and color of the original sidewalk on the block to the satisfaction of the City Engineer. To match historic sidewalks:
 - i. Concrete shall be tinted at a ratio of 2 to 3 lbs. lamp per cubic yard of 3/8"- 6-sack concrete.
 - ii. Finishing work shall include an exposed aggregate surface, not a broom finish.
 - iii. Stress relief lines shall match the pattern of the existing sidewalk. In the absence of an adjoining sidewalk, the default pattern will be 2'-6" squares.

§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 Vacation Rentals: (This Section added by Ordinance 2017-01 on September 20, 2017)

7.26.1 PURPOSES AND SCOPE: The specific purposes of vacation rental regulations are:

- a. To regulate the location and number of vacation rentals within Ferndale.
- b. To mitigate impacts on parking by requiring the use of existing off-street parking facilities.
- c. To minimize disruptions to and protect the character of Ferndale.
- d. To minimize disruptions to neighborhoods.
- e. To require a vacation rental to operate with a valid business licenses and pay all applicable taxes and fees.

7.26.2 DEFINITIONS: For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. *BUSINESS LICENSE*. Business license means the license required by Chapter 5.04 of this Code.
- b. *GUEST GUIDE*. A document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions, for parking, occupancy limits,

emergency response, and 3/6/2014 City of Ferndale Zoning Ordinance 02-02 Page 58 minimizing noise and quiet hours shall be included.

- c. *OCCUPANT*. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental.
- f. *PROPERTY*. A parcel of land in its entirety, including all structures within the parcel boundaries.
- g. *TRANSIENT OCCUPANCY TAX*. A tax charged to transients for the privilege of overnight accommodation.
- h. *TRANSIENT USE*. Any use of a dwelling or portion thereof to provide temporary, overnight accommodations to an occupant for compensation. For purposes of this definition, "temporary" means 30 days or fewer.
- i. *VACATION RENTAL*. An entire residential property containing a single-family residence including any detached guest quarters that is rented to one party at a time for transient use with no owner or manager on site. The dwelling shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- j. *VISITOR*. A guest of an occupant visiting temporarily at a vacation rental, but not an overnight "occupant".

7.26.3 GENERAL PROVISIONS

- a. Permit.
 - i. No property may be used as a vacation rental without first obtaining a permit from the City pursuant to this chapter. Except as otherwise required below, the review and issuance of a vacation rental permit shall be a ministerial act, without discretionary review or public hearing.
 - ii. The maximum number of active Vacation Rental permits shall be twenty-four (24).
 - iii. Property owners with a permitted Vacation Rental in Ferndale shall not be issued an additional concurrent Vacation Rental Permit.
 - iv. Vacation rental permits shall be subject to annual review and renewal by the City.
 - o Except as expressly provided herein, a vacation rental permit shall expire without further action of the City if any of the following events occur: (a) the business license for the operation of the vacation rental becomes invalid or expires without being renewed within 10 days of the expiration date; (b) any tax applicable to the property or business is delinquent for more than 30 days; or (c) the property is declared to be a nuisance pursuant to this Code and the nuisance condition is not cured within 30 days.
 - o If the permit expires, a new vacation rental permit shall be required.
 - v. Upon the transfer or conveyance of property for which a valid, non-expired vacation rental permit has been issued, the permit shall remain valid and inure to the new property owner, provided that the new property owner completes an application to renew the permit and obtains a business license to operate the vacation rental within two months of the date of the transfer or conveyance.
- b. Complete and accurate applications for vacation rental permits shall be filed with the City Clerk on forms provided by the City.

- c. Fees. Vacation rental permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of handling the application and inspections as prescribed in this subchapter.
- d. Business License. Following the approval of a vacation rental permit, the property owner or vacation dwelling unit manager shall obtain a business license before commencing operations.

7.26.4 DEVELOPMENT STANDARDS. All vacation rentals shall comply with the following development standards.

- a. Minimum separation. Within any R District where permitted, the minimum distance between Vacation Rentals shall be 600 feet as measured from the property line. Upon written application and payment of a fee, the Planning Commission, following a public hearing, may grant a reduced distance waiver.
- b. Each applicant shall designate a local contact on the application form, including a phone number and email address. That contact may be the property owner, property manager, or designee, and that person shall live within 30 miles of the city limits so that he or she can respond personally to an emergency. The City shall forward the contact phone number to the Ferndale police and FVFD dispatch. The property owner shall immediately notify the City Clerk in writing of any changes to the designated contact person or number.
- c. Visitors are allowed on the premises between 7:00 a.m. and 10:00 p.m.
- d. Events. In any R District where permitted, events that include more than 12 visitors shall require a special event permit.
- e. Trash and refuse shall not accumulate or be stored within public view.
- f. Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the city shall be posted within the vacation rental in an easily visible location, such as the entry or kitchen area.
- g. The property owner shall act in good faith to resolve complaints regarding the vacation rental, and engage in dispute resolution with neighbors. The City shall investigate any vacation rental with recurrent emergency calls or complaints.
- h. If the vacation rental owner or contact is deemed to be negligent in responding to an emergencies or disturbances of the peace more than 2 times in a 12-month period, or if more than 2 documented law enforcement violations occur in any 12-month period, the vacation rental permit may be revoked. The City may also revoke a permit if the vacation rental is deemed chronically non-compliant with the provisions of this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.
- i. Vacation rentals with gated entries shall have a Fire Department approved device that permits emergency response vehicles and personnel to enter the property.
- j. Existing off-street parking, including covered parking, as required for dwellings in 7.16.2 shall be reserved for occupants of the vacation rental. Occupants shall be encouraged to park in existing legal off-street parking spaces.
- k. The existence of the vacation rental shall not be apparent beyond the boundaries of the property. The vacation rental shall not change the residential

or commercial character of the property or neighborhood by the use of colors, materials or lighting.

7.26.5 APPLICABLE TAXES: The rental or other contractual use of a vacation rental shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation rental owner and/or manager shall comply with Article 9 of the City's Business Ordinance (06-01) that addresses the collection, record keeping, reporting and remittances of applicable TOT.

7.26.6 APPEALS

- Except as provided in division (b) of this section, within fifteen (15) days following a decision of the Planning Commission on a Vacation Rental distance waiver permit application, that decision may be appealed to the City Council by the applicant or any property owner located within 300 feet of the vacation rental property. An appeal shall be filed with the City Clerk, and state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission. Notice of the date, time and place of an appeal to the City Council shall be provided to all property owners located within 300 feet of the vacation rental property at least ten days prior to the appeal meeting.
- The decision of the City Manager to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant.

§7.27 Yards. The minimum yard requirements set out in Articles V and VI shall be subject to the regulations of this Section:

7.27.1 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

7.27.2 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

7.27.3 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

7.27.4 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.

7.27.5 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

7.27.6 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.

7.27.7 (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)

7.27.8 Flag lot (Section added by Ordinance 2025-04 on 8/20/2025): the front of the lot shall be as that defined as that interior lot line which is more parallel and closest to the public street, except where due to the irregularity of the shape of the lot the City Manager or their designee may determine otherwise. In computing the area of the flag lot, the area of the corridor shall be excluded.

§7.28 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:

- 7.28.1 The duration of any single yard sale shall be for no more than three (3) consecutive days.
- 7.28.2 Not more than three (3) yard sales may be conducted within any one year period.
- 7.28.3 Yard sales shall be restricted to daylight hours and no overnight exterior storage of yard sale merchandise shall be permitted.
- 7.28.4 The entire §7.27.4 was repealed by Ordinance 2013-02 Sign Ordinance.
- 7.28.5 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.

§7.29 Demolition of Existing Hotels, Motels, and Multifamily Buildings (Begin section added by Ordinance 2025-06 on 11/19/2025)

7.29.1 Purpose and Scope

The purpose of this section is to establish a process and standards for evaluating requests for the demolition of existing hotels, motels, and multifamily buildings regardless of age, location, or zoning, and buildings and structures in the Main Street Historic District as designated in 1994 by the National Park Service, and on individually designated historic properties that are listed on the National Register of Historic Places.

7.29.2 Definitions

For the purposes of this section, the following words are defined:

“Building” as used in this section shall have the same meaning as §3.17 “Building”.

“Hotel” as used in this section shall have the same meaning as §3.39 “Hotel”.

“Motel” as used in this section shall have the same meaning as §3.51 “Motel”.

“Multifamily” as used in this section shall have the same meaning as §3.28.3 “Dwelling, Multiple” or §3.28.5 “Dwelling Group”.

“Non-transient” as used in this section shall mean a rental or lease for a term of thirty (30) days or more for the use as living quarters.

“Protected unit” means a dwelling unit, excluding a manager’s unit, in a hotel, motel, or multifamily building used on a non-transient basis and subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or subject to any other form of rent or price control through a public entity’s valid exercise of its police power.

“Structure” as used in this section shall have the same meaning as §3.70 “Structure”.

7.29.3 Review Required

No existing hotels, motels, or multifamily buildings located in any zone, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places may be demolished and no building permit for demolition may be issued without approval pursuant to this chapter except as provided in Section §7.xx.xx Exceptions to Review Process.

7.29.4 Exceptions to Review Process

The following is exempted from the demolition review process as detailed in §7.29.5 through §7.29.8:

- a. After consulting with the City Building Inspector or City Engineer, the City Manager may issue a demolition permit for a hotel, motel, and multifamily building, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places that they determine to be an imminent hazard to public safety, either to the subject property or to neighboring properties, and where demolition is the only feasible means to secure the public safety. The City Manager shall issue their determination in writing. Prior to demolition of any such building, the applicant will measure and photo document the resource, where safety permits, and submit the documentation to the City Clerk.

7.29.5 Process for Demolition Requests for Hotels, Motels, and Multifamily Buildings

Prior to the demolition of any hotels, motels, or multifamily buildings, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places the following is required:

- a. Application for a demolition 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 demolition. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
 - i. For any building or design review permit application where demolition is also proposed, permits shall be processed and issued concurrently.
- b. The City Manager, or their designee, will forward the demolition application to the Planning Commission for consideration pursuant to §7.x.x where they determine that satisfactory evidence has been provided by the applicant that documents all of the following:
 - i. That the building or structure is less than fifty years of age and is not listed or eligible for listing on a cultural or historic resources register.
 - ii. The building does not include any protected units; or any protected unit that is demolished will be replaced with an equivalent unit that complies with the affordability requirements specified in subparagraphs (B) to (D) of Government Code Section 65915(c)(3), and as they may be amended from time to time.
- c. Where the building or structure is fifty years or older or is listed or may be eligible for listing on a cultural or historic resources register, the City Manager or their designee will require preparation of a cultural resource evaluation in conjunction with the demolition permit application. The applicant is responsible for the cost of preparing the cultural resource evaluation.

- i. The cultural resources evaluation, prepared by a qualified consultant, shall determine the potential eligibility of the building for listing, individually and/or as a contributor to a potential district, on a cultural resources register.
- ii. Concurrently with the preceding, the City Manager or their designee shall forward the application to cultural resources agencies and experts as they may deem necessary for review and comment.
- iii. Buildings or structures determined eligible for listing, individually and/or as a contributor to a potential district, on a cultural resources register shall be referred to the Planning Commission for consideration as follows subject to the findings in §7.x.x.
- d. The City Manager or their designee shall forward a report to the Planning Commission, including comments and recommendations received in response to consultations pursuant to paragraph C and schedule the application for a public hearing before the Planning Commission.

7.29.6 Planning Commission Findings for Approving Demolition Requests

- a. The Planning Commission may approve the demolition application for an hotel, motel, or multifamily building, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places only after first finding all of the following:
 - i. The Planning Commission determines that the building does not include three (3) or more protected units; or determines that any protected unit that is demolished will be replaced with an equivalent unit that complies with the affordability requirements specified in subparagraphs (B) to (D) of Government Code Section 65915(c)(3), and as they may be amended from time to time.
 - ii. The Planning Commission determines that demolition of the building is consistent and does not conflict with the City's goals, policies, and programs with respect to the management and protection of historic resources in the City as reflected in the City's general plan.
 - iii. The requested demolition complies with the California Environmental Quality Act.
- b. If the Planning Commission approves the issuance of a demolition permit, the demolition permit shall not be issued for a period of ten (10) business days from the date of the Planning Commission action to allow for filing of an appeal to the City Council.

7.29.7 Appeals

- a. Appeal procedures. Appeals of actions pursuant to this section shall be carried out in accordance with the appeal procedures established in Article 11 of the Ferndale Zoning Ordinance.
- b. Stay of issuance of demolition permit. If the City Council approves the issuance of a demolition permit, the demolition permit shall not be issued for a period of ten (10) business days from the date of the City Council action to allow for filing of a judicial appeal.

7.29.8 Expiration of Decision; Permit Expiration

- a. A demolition permit must be obtained from the City Clerk after demolition is approved by the Planning Commission. A demolition permit must be secured within one (1) year after the date of the decision approving demolition unless:
 - i. Conditions of Planning Commission approval establish a shorter expiration period,
 - ii. An extension has been issued by the City Clerk, or
 - iii. A demolition permit has been issued by the City Clerk. Upon application by the property owner filed prior to the expiration of a demolition permit approved by the Planning Commission, the City Manager or their designee may approve up to one (1) additional year unless a demolition permit already has been issued by the City Clerk.

7.29.9 Lot Maintenance After Demolition; Violation

All lots shall be maintained in a clean, safe and aesthetically pleasing manner after demolition. Failure to comply shall be considered a violation subject to the penalties provided in Ordinance No. 06-04. (End section added by Ordinance 2025-06 on 11/19/2025)

§7.30 Single Room Occupancy Housing (or SRO) (Begin section added by Ordinance 2025-06 on 11/19/2025)

7.30.1 Purpose.

This Section provides for the regulation of single room occupancy (SRO) housing facilities that do not meet the State definitions for transitional housing or supportive housing, as such SRO housing facilities shall be regulated as transitional housing or supportive housing. SRO housing facilities are intended to provide housing opportunities for lower-income one- or two person households who may not be able to afford other housing options. SRO housing units are rented out as a permanent residence and/or primary residence to individuals, within a multi-tenant building where tenants may share a kitchen, toilets or bathrooms. Some SRO units may have a small refrigerator, microwave and sink.

7.30.2 Applicability.

- a. SRO housing facilities shall be permitted in the Residential Two-Family (R2), Residential Multiple-Family (R3), Neighborhood Commercial (C1), and Community Commercial (C2) zones in the same manner as other residential uses in the zone when they comply with the development standards of the applicable zone, are located, developed, and operated in compliance with the General Provisions and Standards identified in this Section.

7.30.3 General Provisions and Standards.

A Single Room Occupancy (SRO) housing facility shall be located, developed, and operated in compliance with the following standards and requirements:

- a. Except for a manager's unit, SRO units shall be provided at rents affordable to individuals and households with lower incomes as defined by the California Department of Housing and Community Development's State income limits for Humboldt County.
- b. No transient occupancy of SRO units shall be allowed. Tenancy of SRO units shall be for 30 or more days. SRO unit tenants shall not have an additional residential address other than the address of the SRO housing facility in which the unit is located.

- c. Maximum Occupancy. Each SRO unit shall be designed to accommodate a maximum of 2 persons. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.
- d. Minimum Size. An SRO unit must have at least 150 square feet of floor area for single person occupancy and 220 square feet for two (2) person occupancy. No individual unit may exceed 375 square feet.
- e. Entrances. All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- f. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- g. Kitchen. An SRO unit is not required to, but may, contain food preparation facilities.
- h. Common Area. Four (4) square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- i. Facility Management. The agency, organization, or entity operating the SRO housing facility shall provide full-time on-site management. The facility shall include a manager's office or a manager's unit.
- j. Parking. One (1) space for every two SRO units, plus one (1) space for the management unit or office and 1 space for each employee, if any, on maximum shift.
- k. Common laundry facilities for tenant use shall be provided.
 - i. For an SRO housing facility consisting of 10 or fewer SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer, in addition to a laundry sink and folding area.
 - ii. For SRO housing facility consisting of greater than 10 SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer for the first ten (10) rooms, with one (1) additional washer and one (1) additional dryer provided for every five (5) additional rooms or fraction thereof.
 - iii. The requirement for common on-site laundry facilities may be waived where it can be shown that a laundry facility open to the public is located within one-eighth (1/8) of a mile from the project site.
- l. Storage for tenants. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather. (End section added by Ordinance 2025-06 on 11/19/2025)

§7.31 Supportive Housing Developments (Begin section added by Ordinance 2025-06 on 11/19/2025)

7.31.1 Purpose.

This Section provides for the regulation of supportive housing developments as required by Sections 65650 through 65656 of the California Government Code, as amended.

Section 65651 prescribes that qualifying supportive housing developments shall be a by right use in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses when specific requirements are met. Government Code Sections 65651 through 65656 establish specific requirements for the regulation of supportive housing developments. This Section is intended to comply with the standards in Sections 65650 through 65656 of the California Government Code to the greatest extent feasible.

7.31.2 Applicability.

The provisions of this Section apply to all lots in zones that permit multifamily and mixed uses, including nonresidential zones that permit multifamily uses, that is the Residential Two-Family (or R2), Residential Multiple-Family (or R3), Neighborhood Commercial (or C1), and Community Commercial (or C2) zones. Supportive Housing Developments shall comply with objective development standards and policies that apply to other multifamily development within the same zone.

7.31.3 General Provisions.

A supportive housing development developed pursuant to Government Code Section 65650 et seq., consisting of fifty (50) units or less, that meets all of the following requirements and is permitted in the Residential Two-Family (or R2), Residential Multiple-Family (or R3), Neighborhood Commercial (or C1), and Community Commercial (or C2) zones, provided:

- a. Units within the development are subject to a recorded affordability restriction for fifty- five (55) years.
- b. Affordability. One hundred percent (100%) of the units, excluding managers' units, within the development must be restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. Lower income households has the same meaning as defined in Section 50079.5 of the California Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
- c. Supportive Housing Units. At least 25 percent (25%) of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population as defined in subparagraph (d) of Government Code Section 65650. In developments with fewer than 12 units, one hundred percent (100%) of those units, excluding managers' units, must be restricted to residents in supportive housing.
- d. Services Plan. The applicant shall submit a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project as required by Section 65651, and describing those services, which must include all of the following:
 - i. The name of the proposed entity or entities that will provide supportive services.

- ii. The proposed funding source or sources for the provided onsite supportive services.
- iii. Proposed staffing levels.
- e. Replacement Dwelling Units. The supportive housing development shall replace rental dwelling units in the manner provided in Section 65915 of the California Government Code.
- f. Facilities. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- g. Supportive Services Floor Area. For a development with twenty (20) or fewer total units, at least ninety (90) square feet shall be provided for onsite supportive services. For a development with more than 21 units, at least three percent (3%) of the total nonresidential floor area must be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- h. Parking. A supportive housing development that is located within one-half mile walking distance of a public transit stop shall not require parking for units within the supportive housing development that are designated for supportive housing residents.
- i. Any other requirements of Government Code section 65650 et seq. regarding supportive housing, as may be amended.

7.31.4 Review Procedures.

- a. The City shall approve a supportive housing development that complies with the applicable requirements of this Section.
- b. The City shall only require the supportive housing development to comply with the objective development standards and policies that apply to other multifamily development within the same zone.
- c. The City shall notify the developer whether the application is complete within 30 days of receipt of an application to develop supportive housing in accordance with this Section. The City shall complete its review of the application within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.
- d. The City's review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this Section shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5 of the California Government Code, and shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.
- e. Any discretion exercised by the City in determining whether a project qualifies as a use by right pursuant to this Section or discretion otherwise exercised pursuant to this section does not affect that City's determination that a supportive housing development qualifies as a use by right pursuant to this Section. (End section added by Ordinance 2025-06 on 11/19/2025)

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 shall be as required by this Article and by the California Government Code.** 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 10: USE PERMITS AND SPECIAL 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 (This section amended by Ordinance 2014-02 on 5/1/2014).

§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 (This section amended by Ord. 2025-06 on 11/19/2025) The Planning Commission may approve a use permit only after first finding all of the following:

- 10.06.1 **a.** The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and other applicable adopted City Ordinances or is a nonconforming use in compliance with § 12.01.2 of this Ordinance;
- 10.06.2 **b.** The proposed use is consistent with the General Plan and any applicable specific plan;
- 10.06.3 **c.** The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and potential future land uses in the vicinity;
- 10.06.4 **d.** The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- 10.06.5 **e.** Granting the permit will not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located;
- 10.06.6 Compliance with the California Environmental Quality Act.

§10.07 (This section amended by Ord. 2025-06 on 11/19/2025) Within thirty (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 effective and final ten (10) days from the date thereof, unless an appeal is filed in accordance with Article 11 of this Ordinance. In the event an appeal is filed, the use permit approval shall be stayed until approval is obtained from the City Council.

§10.08 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.

§10.09 (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)

§10.10 (This section added by Ord. 2025-06 on 11/17/2025) Special Permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.

10.10.1 An owner or his agent may file an application for a special permit with the City Clerk. The application shall be made upon a form prescribed by the City Clerk and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.

10.10.2 Public Hearings are required for special permits.

10.10.3 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 ten (10) days prior to the hearing, and by posting said notice in conspicuous places close to the property.

10.10.4 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 sixty (60) days the commencement thereof.

10.10.5 The Planning Commission may approve a special permit only after first making all of the findings in § 10.06 of this Ordinance.

10.10.6 The action of the Planning Commission shall become effective and final ten (10) days from the date thereof, unless an appeal is filed in accordance with Article 11 of this Ordinance. In the event an appeal is filed, the special permit approval shall be stayed until approval is obtained from the City Council.

10.10.7 An approved special permit shall be subject to the revocation provisions specified in Section 10.08, and shall run with the land.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HOUSING POLICY DEVELOPMENT

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November 14, 2025

ATTACHMENT B

Kristine Hall
 Acting City Manager
 City of Ferndale
 834 Main Street
 Ferndale, CA 95536

Dear George Williamson:

RE: City of Ferndale – Accessory Dwelling Unit (ADU) Ordinance Updates – Letter of Technical Assistance

The most recent ADU ordinance on file for City of Ferndale with the California Department of Housing and Community Development (HCD) is from 2019. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City of Ferndale's ADU ordinance:

Updates to the [ADU Handbook \(2025\)](#)

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an “additional standard” and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners’ associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that local agencies may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

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Changes to ADU Law in 2024:

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subds. (a)-(c)).
- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).
- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

Changes to ADU Law in 2023:

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

Changes to ADU Law in 2021:

- Allows local agencies to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

Changes to ADU Law in 2020:

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).

George Williamson, Planning Manager**Page 3**

- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subds. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

Changes to ADU Law in 2019:

- Prohibits local agencies from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows local agencies to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).

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- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).
- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a non-compliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by December 13, 2025 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Reshma at Reshma.Sen@hcd.ca.gov.

Sincerely,

Jamie Candelaria

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

Section 9

BUSINESS

BUSINESS ITEM 9.1 - BUILDING AND LAND USE PERMITS

NOTE: Planning Commissioners and Public may request staff to bring the Building

Section 10:

CORRESPONDENCE

Section 11:

COMMISSIONER COMMENTS

Section 12:

STAFF COMMENTS

Section 13:

ADJOURNMENT