

ORDINANCE NO. 02-02

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

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

ARTICLE 1: ADOPTION, SHORT TITLE and PURPOSE

\$1.01 Adoption: There is hereby adopted a Zoning Ordinance for the City of Ferndale, State of California, as provided by Title Seven of the Government Code of the State of California. This

Ordinance constitutes a precise plan for the use of land in conformity with the General Plan and General Plan Standards. The provisions of this Ordinance shall apply to all lands and all owners of lands within all the incorporated areas of the City of Ferndale.

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

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

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

ARTICLE 3: DEFINITIONS

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

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

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

- §3.08 Alley or Lane: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property and not intended for general traffic circulation, except when such terms are modified by the word “bowling.”
- §3.09 Animal hospital: A building where animals are given medical or surgical treatment for compensation and where the boarding of animals is incidental to such treatment. The designation “small animal hospital” shall indicate that such treatment shall be limited to dogs, cats, rabbits, birds and similar small animals.
- §3.10 Animal Products Processing Plants: Buildings and premises for the preparation for wholesale distribution of animals or animal products, including, but not limited to, slaughter houses, fat rendering, tallow works, fertilizer plants, tanneries, seafood packing and canning and distillation of bones.
- §3.11 Automobile Repair:
- 3.11.1 Automobile Repair, Major: General repair, rebuilding or reconditioning of engines, including removal of same; motor vehicle, truck or trailer collision service, including body, frame or fender straightening or repair and over-all painting or paint shop.
- 3.11.2 Automobile Repair, Minor: Upholstering, replacement of parts and motor service, not including removal of the motor, to passenger cars and trucks not exceeding one and one-half (1 ½) tons capacity, but not including any operation under “Automobile Repair, Major” Section 3.11.1
- §3.12 Automobile Service, Gas or Filling Station: A place which provides for the servicing, washing and fueling or operating motor vehicles, including minor repairs, and the sales of merchandise and supplies incidental thereto.
- §3.13 Bed and Breakfast: A home occupation for a residential dwelling occupied by a resident person or family, containing one bedroom with separate bathroom occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. The breakfast provided shall not constitute a restaurant operation and may not be provided to persons other than guests of the bed and breakfast. See also §7.06 for Bed and Breakfast Inns.
- §3.14 Board of Supervisors: Humboldt County Board of Supervisors.
- §3.15 Board of Zoning Adjustment: The Planning Commission.
- §3.16 Boarding House: A dwelling or part thereof where meals or meals and lodging are provided for compensation for three (3) or more persons, not transient.
- §3.17 Building: Any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground or foundation up, each part is deemed a separate building, except as regards minimum side yard requirements.
- 3.17.1 Building, Accessory: A detached subordinate building located on the same building site as the main building and designated and intended for a use that is subordinate to the use of the main building.
- 3.17.2 Building, Main: A building in which is conducted the principal use of the building site on which it is situated.
- 3.17.3 Building Site: See Lot.
- §3.18 (These sections amended by Ord. 07-01 on 2/12/07) Building Inspector – shall be appointed by the City Manager.
- §3.19 Building Official shall be appointed by the City Manager. (End of sections amended by Ordinance 07-01 on 2/12/07)
- §3.20 Camp, Public: Any area or tract of land used or designated to accommodate temporarily two (2) or more camping parties, traveling by automobile or otherwise.

- §3.21 Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbarium, crematories, mausoleums, mortuaries and chapels, when operated in conjunction with and within the boundary of such cemetery.
- §3.22 City: The City of Ferndale.
- §3.23 City Council: The City Council of Ferndale.
- §3.24 Court: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.
- §3.25 Commission, Planning Commission: The Planning Commission of the City of Ferndale, State of California.
- §3.26 Communication Equipment Building: A building which houses electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.
- §3.27 Distance Between Structures: The shortest horizontal distance measured between the vertical walls of two structures.
- §3.28 Dwelling: Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, labor camp, hotel or motel.
- 3.28.1 Dwelling, Single Family: A building containing exclusively one dwelling unit.
- 3.28.2 Dwelling, Two-Family or Duplex: A detached building under one roof, designed for or occupied exclusively by two families living independently of each other.
- 3.28.3 Dwelling, Multiple: A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding boarding houses, motels, mobile home parks, hotels, fraternity or sorority houses and private residence clubs.
- 3.28.4 Dwelling Unit: One room, or a suite of two (2) or more rooms, designed for, intended for, or used by one family, where the family lives, sleeps and cooks and which unit has one kitchen or kitchenette.
- §3.29 Emergency Repairs: Repairs made to any structure, whether used for residential, commercial or other uses, in the immediate period following damage by earthquake, fire, wind, hail, or collision, provided that such repairs will bring the structure to its original design. Such repairs include: re-roofing, repairing fire damage, painting, re-painting, paint scraping, and replacing windows, drainpipes, railings, and small structural ornamentation.
- §3.30 Emergency Vehicle: Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, police enforcement, sanitation, sewage, drainage, flood control and public utility maintenance and service.
- §3.31 Family: A person living alone, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel or fraternity or sorority house. A family shall be deemed to include necessary servants.
- §3.32 Farm Dwelling: A dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm, as distinguished from quarters for seasonal labor.
- §3.33 Frontage: All the property on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street or city

- boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.
- §3.34 Fur Farm: A place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.
- §3.35 Garage:
- 3.35.1 Garage, Private: An accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport.
- 3.35.2 Garage, Public: Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.
- 3.35.3 Garage, Storage: Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.
- §3.36 Ground Coverage: The percentage of the total area that is covered by structures as herein defined.
- §3.37 Hog Farm: Any premises used for the raising or keeping of three (3) or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation.
- §3.38 (This section amended by Ordinance 08-03) Home Occupation: Any use which, as determined by this ordinance, is customarily carried on within a dwelling or unattached structure by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. (End of section amended by Ordinance 08-03)
- §3.39 Hotel: Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six (6) or more transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses.
- §3.40 Incidental and/or Appurtenant Uses: Small and/or related activities other than the uses specified under "Agricultural Service-Related Business," which are available or are conducted on the site during the same hours of the principal activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies, small-scale plant nurseries and landscape supplies, home improvement supplies and books, canning and kitchen supplies, work clothes, pruning or composting workshops, deli (not exceeding 200 sq. ft.), gift items or handcrafted items.
- §3.41 Instruction, Commercial: Schools or classes operated within a building to give instruction in any art, profession, trade or business, for compensation, and including, but not limited to instruction in cosmetology, hairdressing, barbering, bartending, music, dancing, typing, shorthand or other business skills, electronics or engineering.
- §3.42 Junk Yard: Any aggregate area of more than two hundred (200) square feet within any parcel, lot or contiguous lots which is used as a place where imported waste, inoperable household appliances, inoperable machinery, inoperable motor vehicles, portions of inoperable motor vehicles or discarded or salvaged materials are disassembled, handled, placed, processed, baled, packaged or stored. This includes but is not limited to auto and trailer wrecking yards, scrap metal yards, wrecking yards, used lumber yards and places or yards for storage of

salvaged house wrecking and structural steel material and equipment. This does not include the above activities when conducted entirely within completely enclosed buildings nor the sale or storage of used cars, farm machinery, trailers or boats in operable condition, nor the salvage of materials incidental to manufacturing or farm operations, provided such salvage takes place where the manufacturing or farming is done.

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

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

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

§3.46 Living:

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

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

§3.47 Lot:

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

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

a. The front yard of a corner lot is the yard adjacent to the shortest street frontage.

b. The rear yard of a corner lot extends to the side yard adjacent to the street

c. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

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

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

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

- 3.47.6 Lot Depth: The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines
- 3.47.7 Lot Lines. The property lines bounding the lot. The definitions herein are applicable to lots that are basically square or rectangular in shape. When these definitions are not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official, subject to review by the Planning Commission.
- a. Lot Line, Front: The line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.
 - b. Lot Line, Rear: In the case of an interior Lot, the line opposite and most distant from the front lot line. In the case of a triangular or wedge-shape lot, for measurement purposes, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
 - c. Lot Line, Side: Any lot lines not a front or rear lot line.
- 3.47.8 Lot Width: The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line. Whenever this definition cannot be applied due to irregularity in the shape of the lots, the lot width shall be as determined by the Administrative Official subject to review by the Planning Commission.
- §3.48 Minor Repair & Routine Maintenance: Such repair and maintenance which may include re-roofing; painting; re-painting, re-surfacing; paint scraping; replacement of windows; drainpipes, railings, and small structural ornamentation; and replacement of individual boards in a wooden porch with fresh identical lumber, if the status quo or original design is maintained.
- §3.49 Mobile homes:
- 3.49.1 Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with 7.14.2 of this ordinance, with the following exceptions:
- a. In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - b. Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - c. By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- 3.49.2 Mobile homes on individual lots: A mobile home shall be permitted on an individual lot as a single-family dwelling unit, only if it meets the following requirements:
- a. Eligibility:

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

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

- 3.50.1 Minimum lot area: one (1) acre.
- 3.50.2 Minimum recreation space: 10% of site
- 3.50.3 Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.
- 3.50.4 All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.
- 3.50.5 All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.
- 3.50.6 The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

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

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

- §3.53 Nurseries and Greenhouses: Buildings and premises for the propagation, display, and retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.
- §3.54 Office:
- 3.54.1 Office, Business: An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments or the keeping of records and accounts pertaining to the particular business.
- 3.54.2 Office, Professional: An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and which includes medical or dental laboratories.
- §3.55 Owner: The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner.
- §3.56 Person: Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.
- §3.57 Planning Commission: The Planning Commission of the City of Ferndale, as created by City Ordinance, hereafter referred to as the Commission.
- §3.58 Public Use: A use operated exclusively by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience or general welfare, and which includes but is not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities.
- §3.59 Quasi-Public Use: A use operated by a private nonprofit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, and including, but not limited to, such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls or private hospitals.
- §3.60 Recreational:
- 3.60.1 Recreational, Commercial: Recreation facilities open to the general public for a fee, or restricted to members when operated for profit as a business.
- 3.60.2 Recreational, Private, Noncommercial: Clubs or recreation facilities operated by a nonprofit organization and open only to bonafide members of such nonprofit organization and their guests.
- §3.61 Residential Care Institution: The rooming or boarding of any aged or convalescent person whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. Residential Care Institution shall include: sanitarium, rest home and convalescent home.
- §3.62 Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located or produced upon other sites under the same ownership as that of such nonprofit organization and their guests.
- §3.63 Routine Maintenance: See Section 3.48 Minor Repair.
- §3.64 Secondary Dwelling Unit: A separate residential unit, containing sleeping, kitchen and bathroom facilities, created on a lot zoned R-1 or R-S that already contains one legally created residential unit. A secondary dwelling unit may be created by: (The entire section 3.64 was amended by Ordinance 03-03 on July 14, 2003)

- 3.64.1 Alteration of an existing residential structure whereby kitchen and bathroom facilities are not shared in common; or
- 3.64.2 Conversion of an attic, basement, attached garage, or other previously uninhabited portion of a residential structure; or
- 3.64.3 Addition of a separate unit onto an existing residential structure or
- 3.64.4 Construction of a separate structure on a lot in addition to an existing residential structure.
- §3.65 Setback Line: A line established by these regulations or by other ordinance or regulation to govern the placement of buildings or structures with respect to lot lines, streets or alleys.
- §3.66 Sign: (This entire section was repealed by Ordinance 2013-02 on December 7, 2013).
- §3.67 Stable:
- 3.67.1 Stable Private: A detached accessory building for the shelter of horses or similar hoofed animals for the use of the residents and their guests.
- 3.67.2 Stable Public: A stable other than a private stable; generally, where horses are available for hire, or are sheltered and fed for compensation.
- §3.68 Street: A public or private right-of-way that provides a primary means of access to abutting property.
- §3.69 Street Line: The boundary between a street right-of-way and abutting property.
- §3.70 Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including, but not limited to: signs, fences, walls used as a fence, mailboxes, flag poles, solar panels, ham radio antenna, telecommunications facilities, wind turbine towers, and swimming pools, but excluding driveways, patios, or parking spaces where the area is unobstructed from the ground up. (This section amended by Ordinance 05-02 on 5/7/05.)
- §3.71 Structural Alteration: Any change in the structural members of a building, such as bearing walls, columns, beams or girders.
- §3.72 Timber Production: The systematic harvesting and reseedling of timber stands in accordance with practices designed to maintain the productive capacity of the land, preserve the watershed and conserve the soil.
- §3.73 Timber Products Processing Plants: Buildings and premises for the commercial processing of wood and wood products, including but not limited to, sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial use and shall be permitted in the zones designed to accommodate such uses.
- §3.74 Trailer: Any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters or occupation or use as a selling or advertising device, or use for storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the term "camp trailer," "trailer coach," "automobile trailer" and "house trailer," except when the latter falls within the definition of "mobile home." Trailers are considered structures for the purpose of these regulations when they are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage or similar auxiliary services necessary for the human habitation of the court or camps.
- §3.75 Trailer Camp: Any lot or parcel thereof or parcel of land which is used or offered as a location for one or more trailers of camping, weekend or temporary occupancy. As distinguished from a Mobile Home Park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

- §3.76 Trailer Court or Trailer Park: See Mobile Home.
- §3.77 Transient: When used in conjunction with boarding or lodging, services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months, except for bed and breakfast inns. This period shall be limited to a maximum of fourteen (14) consecutive days.
- §3.78 Use: The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 3.78.1 Use, Accessory: A use legally permitted in the zone which is incidental to and subordinate to the principal use of the site or a main building on the site, and serves a purpose which does not change the character of the principal use.
- 3.78.2 (This section amended by Ord. 07-01 on 2/12/07) Use, Conditional: A principal or accessory use of land or of structures thereon which may be essential or desirable to the public convenience or welfare in one or more zones, but which may also impair the integrity and character of the zone or adjoining zone, or be detrimental to the public health, morals or welfare unless additional restrictions on the location and extent of use are imposed and enforced. Such use shall become a “principal permitted use” or “accessory permitted use” when all specific additional restrictions are completed and permanently satisfied in conformance with an approved use permit. Should such restrictions be of a continuing nature, the use will remain “conditional” so long as the restrictions are complied with, but shall become an “illegal use” whenever and so long as the restrictions are not complied with. Conditional Use Permits run with the land. (End of section amended by Ordinance 07-01 on 2/12/07)
- 3.78.3 Use, Nonconforming: A use which lawfully occupied a building or land at the time of the adoption of these regulations and which does not conform to the use regulations of the zone in which it is located.
- 3.78.4 Use, Principal Permitted: The primary use of land or of a main building which is compatible with the purpose of the zone and which is permitted in the zone. If a use is listed in a specific zone as a principal permitted use, it means that the owner, lessee or other person who has legal right to use the land has a vested right to conduct such principal permitted use without securing special permission, subject only to such general limitations as off-street parking and site plan approval which are generally applied to all uses in that zone.
- §3.79 Wrecking Yard: See Junk Yard, Section 3.42.
- §3.80 Yard: An open space other than a court on the same site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping or as specified elsewhere in this ordinance, but not including any portion of any street, alley or road right-of-way, except as specified elsewhere in these regulations.
- 3.80.1 Yard, Front: A yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to the shortest street frontage.
- 3.80.2 Yard, Rear: A yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends to the side yard adjacent to the street.
- 3.80.3 Yard, Side: A yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line on the

lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

- §3.81 Yard Sale: An activity involving the sale of used and second-hand goods which are the personal property of the owner or resident of the parcel on which the sale is being conducted, or for a joint yard sale carried out by two or more households, where at least one participant is the owner or resident of the parcel on which the yard sale is being conducted, but which activity is not part of a commercial operation subject to regulation by the State Board of Equalization or the business license ordinance of the City, the use remaining clearly incidental and subordinate to the residential use of the parcel.
- §3.82 Zone: A portion of the territory of the City of Ferndale within which certain uniform regulations and requirements or combinations thereof apply under the provisions of these regulations. The word “zone” shall include the word “district.”

ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONES

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

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

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

ZONE	DESIGNATION
Agriculture	-A
Special Building Site	-B
Recreation	-X
Design Control	-D
Qualified Combining	-Q

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

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

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

- 4.05.1 Streets or alleys: Where the indicated zoning boundaries are approximate street or alley lines, the center lines of such shall be construed to be the boundaries of such zone.
- 4.05.2 Lot lines: Where the zoning boundaries are not shown to be streets or alleys, and where property has been or may hereafter be divided into blocks and lots, the

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

ARTICLE 5: REGULATIONS FOR THE PRINCIPAL ZONE:

- §5.01 In addition to the regulations specified in this Article for each of the principal zones, the general regulations set forth in Article VII shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this Article and the general regulations set forth in Article VII, the Planning Commission shall determine which of the conflicting regulations shall be applicable.
- §5.02 **Residential-Suburban or R-S Zone.** The Residential-Suburban or R-S Zone is intended to be applied in areas of the City which are particularly suited to large lot development of single-family homes. The following regulations shall apply in all Residential-Suburban or R-S Zones:
- 5.02.1 Principal permitted uses:
- a. Single-family dwellings.
 - b. Servants' quarters, vacation rentals, and guesthouses.
 - c. Keeping no more than eight (8) household pets on each lot.
- 5.02.2 Uses Permitted with a Use Permit:
- a. Private institutions.
 - b. Private recreation facilities, including golf courses.
 - c. Bed and breakfast inns.
 - d. Secondary dwelling units.
- 5.02.3 Other Regulations:
- a. Minimum lot area: one (1) acre.
 - b. Minimum lot width: 125 feet.
 - c. Minimum lot depth: 110 feet.
 - d. Minimum yards: front, 20 feet; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 feet, or need be more than 12 feet.
 - e. Maximum building height: 35 feet.
- 5.02.4 Development Criteria: Any single-family home constructed or placed within the City of Ferndale in accordance with these provisions shall
- a. Have a minimum width of 20 feet, and
 - b. Have a minimum twelve (12) inch roof overhang on all sides, and
 - c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
 - d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
 - e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.

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

- §5.03 **Residential One-Family or R1 Zone** is intended to be applied in areas of the City where topography, access, utilities, public services and general conditions make the area suitable and desirable for single-family home development. The following regulations shall apply in all Residential One-Family or R1 Zones:
- 5.03.1 Principal permitted uses:
- a. Single-family dwellings.
 - b. Boarding of not more than two (2) persons not employed on the premises.
 - c. Keeping no more than four (4) household pets for each dwelling unit.
 - d. Vacation rentals
- 5.03.2 Uses permitted with a Use Permit:
- a. Guest houses and servants' quarters.
 - b. Public and private non-commercial recreation facilities, including golf courses.
 - c. Bed and breakfast inns.
 - d. Secondary dwelling units.
- 5.03.3 Other regulations:
- a. Minimum lot area: 6,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Maximum lot depth: 3 times lot width.
 - d. Minimum yards: front, 20 feet; rear, 15 ft; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
 - e. Maximum ground coverage: 35%.
 - f. Maximum building height: 35 feet.
- 5.03.4 Development Criteria: Any single-family home constructed or placed within the City of Ferndale in accordance with these provisions shall
- a. Have a minimum width of 20 feet, and
 - b. Have a minimum twelve (12) inch roof overhang on all sides, and
 - c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
 - d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
 - e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - v. The Planning Commission may allow a single-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision

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

- §5.04 **Residential Two-Family or R2 Zone.** The Residential Two-Family or R2 Zone is intended to be applied in areas of the City close to urban centers where all utilities and services are available and where housing demand justifies a density of two families on each building site. The following regulations shall apply in all Residential Two-Family or R2 Zones:
- 5.04.1 Principal permitted uses:
 - a. Single family dwellings.
 - b. Two-family dwellings.
 - c. Vacation rentals.
 - d. Boarding of not more than two (2) persons not employed on the premises.
 - e. Keeping no more than four (4) household pets for each dwelling unit.
 - 5.04.2 Uses permitted with a Use Permit:
 - a. Guest houses and servants' quarters.
 - b. Private institutions.
 - c. Bed and breakfast inns.
 - 5.04.3 Other Regulations:
 - a. Minimum lot area: 6,000 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Maximum lot depth: 3 times lot width.
 - d. Maximum ground coverage: 40%.
 - e. Minimum yards: front, 20 ft; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
 - f. Maximum building height: 35 feet.
 - 5.04.4 Development criteria: Any two-family home constructed or placed within the City of Ferndale in accordance with these provisions shall
 - a. Have a minimum width of 20 feet, and
 - b. Have a minimum twelve (12) inch roof overhang on all sides, and
 - c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
 - d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
 - e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - f. The Planning Commission may allow a single-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning

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

- §5.05 **Residential Multiple-Family or R3 Zone.** The Residential Multiple Family or R3 Zone is intended to be applied in areas of the City where it is reasonable to permit and protect low-density Apartment developments. The following regulations shall apply in all Residential Multiple Family or R3 Zones:
- 5.05.1 Principal permitted uses:
 - a. Single family dwellings.
 - b. Dwelling groups and multiple dwellings for not more than four (4) families.
 - c. Keeping no more than two (2) household pets for each dwelling unit.
 - d. Bed and breakfast inns.
 - 5.05.2 Uses permitted with a Use Permit:
 - a. Hotels, motels, mobile home parks and boarding houses.
 - b. Private institutions.
 - c. Professional offices.
 - 5.05.3 Other regulations:
 - a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
 - b. Minimum lot width: 60 feet.
 - c. Maximum lot depth: 3 times lot width.
 - d. Maximum ground coverage: 60%.
 - e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
 - f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
 - g. Maximum building height: 45 feet.
 - 5.05.4 Development criteria: Any multiple-family home constructed or placed within the City of Ferndale in accordance with these provisions shall
 - a. Have a minimum width of 20 feet, and
 - b. Have a minimum twelve (12) inch roof overhang on all sides, and
 - c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
 - d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
 - e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - f. The Planning Commission may allow a multiple-family dwelling to be constructed or placed within the City of Ferndale with alternative

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

- §5.06 **Apartment-Professional or R4 Zone.** The Apartment-Professional or R4 Zone is intended to apply in areas suitable for higher density residential uses and for professional and business offices and institutional uses. The following regulations shall apply in all Apartment-Professional or R4 Zones:
- 5.06.1 Principal permitted uses:
- a. Single family dwellings.
 - b. Professional and business offices.
 - c. Commercial instruction.
 - d. Boarding houses.
 - e. Keeping no more than two (2) household pets for each dwelling unit.
 - f. Hotels and motels, bed and breakfast inns.
 - g. Vacation rentals.
 - h. Art galleries.
- 5.06.2 Uses permitted with a Use Permit:
- a. Mobile home parks.
 - b. Private institutions.
 - c. Social halls, fraternal and social organizations.
 - d. Noncommercial recreation facilities.
 - e. Mortuaries.
 - f. Small animal hospitals completely enclosed within a building.
- 5.06.3 Other Regulations
- a. Minimum lot area: 6,000 square feet, but not less than 600 square feet for each dwelling unit.
 - b. Minimum lot width: 60 feet.
 - c. Maximum lot depth: 3 times lot width.
 - d. Maximum ground coverage: 60%.
 - e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
 - f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet. The distance between the front of any dwelling unit in the group and any side lot line shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
 - g. Maximum building height: 45 feet.
- 5.06.4 Development criteria: Any R-4 Zone building constructed or placed within the City of Ferndale in accordance with these provisions shall
- a. Have a minimum width of 20 feet, and
 - b. Have a minimum twelve (12) inch roof overhang on all sides, and
 - c. Have an exterior siding composed of one or more of the following materials:
 - i. Plywood exterior paneling.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
 - d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and

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

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

5.07.1 Principal permitted uses:

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

5.07.2 Uses permitted with a Use Permit

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

5.07.3 Other Regulations:

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

- §5.08 **Community Commercial or C2 Zone.** The Community Commercial or C2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C2 Zones:
- 5.08.1 Principal permitted uses:
- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
 - b. Professional and business offices and commercial instruction.
 - c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
 - d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
 - e. Dwellings, hotels, motels, vacation rentals, boarding houses and mobile home parks.
 - f. Small animal hospitals, completely enclosed within a building.
 - g. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.
- 5.08.2 Uses permitted with a Use Permit:
- a. Stores, agencies & services such as: carpentry and cabinetry & cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning & laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' & decorators' yards, plumbing shops, printing & lithographing.
- 5.08.3 Other regulations:
- a. Minimum lot area: 2,000 square feet.
 - b. Minimum lot width: 25 feet.
 - c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
 - d. Maximum building height: 45 feet.

- §5.09 **Agriculture Services Commercial or CAG Zone** is intended to serve the agricultural community by providing an opportunity for a business whose principal activity includes the service and selling of goods directly related to farming, dairying, pasturage, horticulture and animal and poultry husbandry in a manner consistent with the City's General Plan Goals and Policies.
- 5.09.1 Principal permitted uses:
- a. General Agricultural uses, such as grazing and pasturage, in keeping with Zoning Ordinance Section 7.04 while no conditional permitted use occurs on the property.
- 5.09.2 Uses permitted with a Use Permit:
- a. Agricultural service-related business as defined in Section 3.07.
 - b. Other incidental and/or appurtenant uses as described herein and found by the Planning Commission to be consistent and not conflicting with the primary use of the property. Small and/or related activities other than the uses specified under "Agricultural Service Related Business," which are available or are conducted on the site during the same hours of the principle activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies; small-scale plant nurseries and landscape supplies; home improvement supplies and books; canning and kitchen supplies; work clothes; pruning or composting workshops; deli (not exceeding 200 s.f.); gift items and handcrafted items.
- 5.09.3 Other regulations
- a. Minimum lot area: four (4) acres.
 - b. Minimum lot width: 100 feet.
 - c. Minimum yards: front, none, except that where frontage is in a block which is partially in an R zone, the front yard shall be the same as required in such R Zone; rear, same as the rear setback requirement of the zone on either side of the property; side, 25 feet. Structures shall not be less than 25 feet from any dwelling on adjacent property.
 - d. Maximum building height: 35 feet.
 - e. Outdoor storage is allowed when related to a primary use. Outdoor storage areas (including area designated for trash containers) adjacent to R zones or adjacent residences shall be screened by walls, fences or adequate plantings to a height of not less than 6'.
 - f. Grain and animal food is to be kept in rodent-proof containers.
 - g. No unattended animals are to be left outside the buildings after business hours.
 - h. Outdoor lighting, except for security purposes, shall not occur before 7:30 a.m. nor after business hours. Security lighting shall be directed downward and shielded so as not to illuminate adjacent residences.
 - i. No outdoor loudspeakers or radios are allowed when property is located adjacent to residences and any "R" Zone.

- §5.10 **Highway Service Commercial or CH Zone.** The Highway Service Commercial or CH Zone is intended to provide necessary services and conveniences for the traveling public along main roads and highway frontages at proper intervals and locations in developments designed for safety, convenience and suitable appearance. The following regulations shall apply in all Highway Service Commercial or CH Zones:
- 5.10.1 Principal permitted uses (This section was amended by Ordinance 2013-02 on December 7, 2013):
- a. Restaurants and appurtenant services.
 - b. Hotels, motels and mobile home parts.
 - c. Automobile service stations.
 - d. Nurseries and greenhouses, retail fruit and vegetable stands.
 - e. Amusement parks and commercial recreational facilities.
 - f. Outdoor advertising signs and structures which identify the use or pertain directly to the service or product offered on the site.
- 5.10.2 Uses permitted with a Use Permit
- a. Small animal hospitals and kennels.
 - b. Trailer camps.
 - c. Dwellings and boarding houses.
- 5.10.3 Other uses which the Planning Commission finds are similar to the principal permitted uses.
- 5.10.4 Other regulations
- a. Minimum lot area: 5,000 square feet.
 - b. Minimum lot width: 50 feet.
 - c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
 - d. Maximum building height: 45 feet.

- §5.11 **Limited Industrial or ML Zone.** The Limited Industrial or ML Zone is intended to apply to areas in which light manufacturing and heavy commercial uses of the non-nuisance type and large administrative facilities are the desirable predominant uses. The following regulations shall apply in all Limited Industrial or ML Zones:
- 5.11.1 Principal permitted uses:
- a. Stores, agencies and services such as: carpentry and cabinetry and cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographing.
 - b. Administrative, business and professional offices.
 - c. Manufacturing of electrical and electronic equipment, of household effects such as lamps, rugs and fabrics, research and development laboratories.
- 5.11.2 Uses permitted with a Use Permit
- a. Dwellings, hotels, motels and mobile home parks.
 - b. Animal hospitals and kennels.
 - c. Animal feed and sales yards.
 - d. Manufacture of furniture, finished paper and paper products.
- 5.11.3 Other regulations:
- a. Minimum lot area: 5,000 square feet.
 - b. Minimum lot width: 50 feet.
 - c. Minimum yards: front, 15 feet; rear, none, except where a rear yard abuts on an R Zone, such rear yard shall be not less than 20 feet; side, none, except where a side yard abuts on an R Zone, such side yard shall be not less than 15 feet, provided further, that such side yard of a motel shall be not less than 6 feet.
 - d. Maximum building height: 50 feet.
 - e. Special regulations: All manufacturing and fabricating areas shall be enclosed in buildings. All equipment and materials storage areas adjacent to R Zones shall be screened by walls, fences or adequate plantings to a height of not less than 6 feet.

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

5.12.1 Principal permitted uses:

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

5.12.2 Uses permitted with a Use Permit:

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

5.12.3 Other regulations:

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

- §5.13 **Floodway or FW Zone.** The Floodway or FW Zone is intended to be applied to lands which lie within stream or tidal channels and to adjacent areas which are periodically inundated, or which will be inundated by a “Design Flood.” The “Design Flood” shall be specifically defined for each particular FW Zone upon the Zone Map. The regulations set forth in this section are intended to provide for the reasonably unrestricted passage of a “Design Flood” and to provide reasonable measures for the protection of life and property in floodway areas.
- 5.13.1 Principal permitted uses:
- a. General agriculture, but not including building or structures
 - b. Recreational uses on open land, including public or private parks and golf courses.
- 5.13.2 Uses permitted with a Use Permit:
- a. Boat docks and launching facilities.
 - b. Water, sewer, roadway, bridge and other such facilities necessary for public health and safety.
 - c. Minor or temporary structures incidental to agricultural or recreational uses which will not impede flood flow and are of flood-proof design.
 - d. Excavation of natural materials or construction of earthworks or water flow control devices.
- 5.13.3 Other regulations:
- a. None, except conditions in use permits.

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

5.14.1 Principal permitted uses:

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

5.14.2 Uses permitted with a Use Permit:

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

5.14.3 Other regulations:

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

- §5.15 **Planned Development or PD Zone.** The Planned Development or PD Zone is intended to apply to parcels of undeveloped land which are suitable for, and of sufficient size to contain, a completely planned development. The following regulations shall apply in all Planned Development or PD Zones:
- 5.15.1 Principal permitted uses:
- a. Any use or combination of uses which are so arranged or designed as to result in an overall development in conformity with the standards, intents and purposes of the General Plan of the City may be permitted with a use permit.
- 5.15.2 Uses permitted with a Use Permit: Applications for use permits for the development of land in Planned Development Zones shall be accompanied by a plan of the development. Such plan shall include a map or maps and such written material as may be required to show
- a. Topography of the land and contour intervals, and
 - b. Proposed access, traffic and pedestrian ways, and
 - c. Lot design and easements, and
 - d. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses, and
 - e. Areas proposed for commercial uses, off-street parking, multiple and single-family dwellings, and all other uses proposed to be established within the zone, and
 - f. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas, and
 - g. Proposed landscaping, fencing and screening, and
 - h. Such other detailed elevations, plans and other information as may be required by the Planning Commission to enable it to evaluate adequately the proposed development.
- 5.15.3 Other Regulations:
- a. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses, except where the over-all development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan, which shall be made a part of the approved use permit.
 - b. Planned Development Zones shall be delineated on the Zoning Map by the PD designation followed by consecutive numbers to indicate the consecutive order to establishment of each such zone, and the approved plans and use permits shall constitute supplemental regulations for such zones.
 - c. Use permits may specify development completion dates and provide for reversion to prior Zoning classification.

- §5.16 **Agriculture-Exclusive or AE Zone.** The Agriculture Exclusive or AE Zone is intended to be applied in fertile areas in which agriculture is and should be the desirable predominant use and in which the protection of this use from encroachment from incompatible uses is essential to the general welfare. The following regulations shall apply in all Agriculture-Exclusive or AE Zones:
- 5.16.1 Principal permitted uses:
- a. All general agricultural uses, except those specified in 5.16.2.
 - b. Farm dwellings, nurseries, greenhouses and roadside stands.
 - c. Vacation rentals
- 5.16.2 Uses permitted with a Use Permit:
- a. Hog farms, turkey farms, frog farms and fur farms.
 - b. Animal feed yards and sales yards.
 - c. Agricultural and timber products processing plants.
 - d. Rental and sales of irrigation equipment and storage incidental thereto.
 - e. Animal hospitals.
 - f. Agricultural and farm labor camps.
 - g. Bed and breakfast inns.
- 5.16.3 Other regulations:
- a. No subdivisions or residential developments, whether by official map, record or survey or recorded subdivision, shall be permitted in Agriculture-Exclusive or AE Zones.
 - b. Minimum lot area: 4 acres.
 - c. Minimum lot widths: 100 feet.
 - d. Maximum ground coverage: 35%.
 - e. Minimum yards: front, 30 feet; rear, 20 feet; side, 10% of the lot width on each side, but not more than 20 feet shall be required.
 - f. Farm outbuildings shall not be less than 20 feet from any dwelling unit on the premises.

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

5.17.1 Principal permitted uses:

- a. Public schools, parks, playgrounds and recreational facilities.
- b. Public fairgrounds and related uses.
 - i. Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals, and similar uses.

5.17.2 Uses permitted with a Use Permit:

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

5.17.3 Other regulations:

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

ARTICLE 6: REGULATIONS FOR THE COMBINING ZONES

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

§6.02 **Agricultural Combining or -A Zone**

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

6.02.1 Principal permitted uses:

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

6.02.2 Uses permitted with a Use Permit:

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

6.02.3 Other regulations:

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

§6.03 Special Building Site Combining or -B Zone

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

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

§6.04 Recreation Combining or –X Zone

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

6.04.1 Principal permitted uses:

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

6.04.2 Uses permitted with a Use Permit:

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

6.04.3 Other regulations:

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

§6.05 Design Control Combining or -D Zone

(Begin section changed by Ordinance 09-01 on 8/6/09 and Ordinance 2013-04 on 2/6/2013)

The Design Control Combining or -D Zone is intended to be combined with any principal zone in which the appearance and design of buildings and structures form a substantial contribution to the desirability of the zone for the uses permitted therein, and in which it is desired to protect the over-all Historical appearance of the zone by regulating the design of proposed buildings and structures in the zone. The following regulations shall apply in any zone with which a Design Control Combining or -D Zone is combined, or as specified in Ordinance 2013-02 Sign Ordinance:

- 6.05.1 The procedures and authority for Design Review are established by this section to achieve the following purposes and objectives:
- a. To ensure that new buildings and structures and/or the modification, alteration and/or enlargement of existing buildings or structures occurs in a manner which is consistent with the policies of the general plan;
 - b. To preserve the natural beauty of the town's site and setting;
 - c. To ensure that the architectural design of buildings and structures and their materials and colors are visually harmonious with and are conceptually consistent in character and scale with surrounding area; and
 - d. To ensure that the design and location of signs and their material and colors are consistent with the character and scale of the buildings to which they are attached or which are located on the same site, and to ensure that signs are visually harmonious with surrounding development.
- 6.05.2 Before any sign, structure or building may be erected, structurally altered, or in any way remodeled or improved so as to change the outward appearance of the sign, structure or building, a Design Review Permit shall be obtained unless exempted by Ordinance 2013-02.
- 6.05.3 Each application for such Design Review Permit shall be accompanied by drawings, plans and such written matter as may be necessary to show the proposed project including but not limited to drawings, colors and materials to be used, and to show any other information that may be required by City staff, the Design Review Committee or the Planning Commission in order that it may adequately evaluate the proposed structure or building.
- 6.05.4 Design Review Permits shall be subject to the following procedures (*this section modified on 10/21/2020 by Ordinance 2020-04*):
- a. The Planning Commission shall appoint one of its members as Primary and one member as Alternate Design Review Committee Members.
 - b. The Planning Commission shall interview and recommend to the City Council appointment of four members residing within the city limits, preferably with design background in planning, architecture, landscape architecture, historical restoration, or other similar experience related to the design of physical improvements and buildings in the following manner:
 - i. City staff shall advertise the vacancy(ies) (via public posting) and notify Ferndale residents to contact City staff for application procedures.
 - ii. Applications must be received by City staff by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the members of the Planning Commission by the next regular or special meeting.

- iii. The Planning Commission shall interview applicants at their next regular or special meeting or direct City staff to re-advertise. After consideration of the applicants and application materials, the Commission shall select an applicant(s) to recommend for appointment. The first person(s) that receives a majority shall be selected. The Commission's recommendation(s) shall be forwarded to the City Council for their next regular or special meeting.
 - iv. The City Council shall consider the applicants and the Planning Commission's recommendation and shall appoint an applicant(s) to the Design Review Committee.
 - c. The Design Review Committee is a sub-committee of, and reports to, the Planning Commission.
 - d. Design Review Permit applications shall be forwarded to and reviewed by the Design Review Committee. No discussion between committee members shall take place, unless in a duly noticed meeting of the Committee.
 - i. (Begin section amended by Ord 2011-04 12/31/11) If a majority of the members present approve, City staff shall issue a Design Review Permit.
 - ii. If a majority of the members present deny, the applicant can change the design, or can appeal the decision to the Planning Commission at a fee as set by the Fees and Fines Schedule. (End section amended by Ord 2011-04 12/31/11)
- 6.05.5 The reviewing body shall consider the proposed structure or building in conjunction with the appearance and design of other structures and/or buildings in the zone in an endeavor to provide that the proposed structure or building will not be unsightly, obnoxious or undesirable in appearance to the extent that it will hinder the harmonious development of the zone, impair the desirability of the zone for the uses permitted therein, limit the opportunity to attain optimum use and value of the land and improvements or otherwise adversely affect the general property and welfare. The reviewing body shall suggest any changes or alterations in the proposed structure or building as it may deem necessary to accomplish the purposes of this Section.
- 6.05.6 Emergency / minor / routine repairs in Design Control Combining Zone.
 - a. Any of said repairs as defined in Sections 3.29 and 3.48 having value of less than \$1000.00 requires no Design Review Permit.
- 6.05.7 Time Limits:
 - a. Applicants for projects that do not require a building permit shall have six months after the date of Design Review Permit issuance to complete their project.
 - b. Applicants for projects that do require a building permit shall be subject to the conditions and time limits of the building permit. If a building permit is not obtained within six (6) months of Design Review Permit issuance, the Design Review Permit shall be nullified.
 - c. City staff may grant a one-time Design Review Permit extension of 6 months upon applicant's request (End of section amended by Ordinance 09-01 on 8/6/09 and Ordinance 2013-04 on 2/6/2013).
- §6.06 Qualified Combining or –Q Zone.

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

- 6.06.1 Principal permitted uses:
- a. Single-family dwellings.
 - b. Boarding of not more than two persons not employed on the premises.
- 6.06.2 Uses permitted with a Use Permit:
- a. Two-family dwellings.
 - b. Dwelling groups and multiple dwellings for not more than four (4) families.
 - c. Professional and business offices.
 - d. Commercial instruction.
 - e. Private institutions.
 - f. Bed and breakfast inns.
 - g. Boarding houses.
 - h. Outpatient small-animal clinics.
 - i. Mortuaries.
 - j. Plant nurseries.
 - k. Stores and services of a light commercial character, conducted entirely within an enclosed building, and limited to the following uses:
 - i. Antique shops.
 - ii. Art galleries.
 - iii. Barber shops and beauty salons.
 - iv. Book stores.
 - v. Florist shops.
 - vi. Restaurants and licensed premises appurtenant thereto.
 - vii. Small-scale retail shops.
 - viii. Studios.
 - ix. Tailor and dressmaking shops.
 - x. Wholesale food preparation and catering.
 - xi. Sales of used and second-hand goods when appurtenant to any of the foregoing.
 - l. Other uses as approved by the Planning Commission, provided such additional uses are specifically enumerated as a permitted use of land in the regulations for the underlying principal zone, and the Planning Commission finds that such use is both similar to, and compatible with, the Principal Permitted Uses and Uses Permitted with a Use Permit specified in subsections 6.06.1 and 6.06.2.
- 6.06.3 Other Regulations
- a. Minimum lot area, width, maximum lot depth, and maximum building height shall be the same as those required in the underlying principal zone.
 - b. Off-street parking and loading facilities shall conform to Section 7.16 of the Zoning Ordinance.

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

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

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

ARTICLE 7: GENERAL PROVISIONS AND EXCEPTIONS

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

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

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

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

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

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

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

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

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

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

7.06.1 Minimum lot area: 20,000 square feet.

7.06.2 Minimum main building: 2,500 square feet.

7.06.3 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.

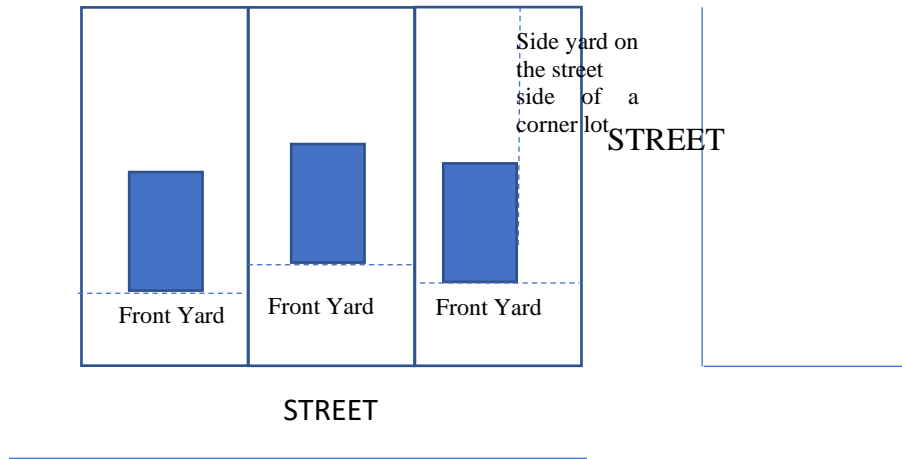
7.06.5 Off-street parking, as per Section 7.16.

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. **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. **Fences, Generally.** No fence shall exceed a height of six (6) feet on any portion of a lot within the City.
 - 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. **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. **Height of a Fence.** The height of a fence shall be measured from the higher finished grade adjoining the fence.
 - 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. **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.
 - f. **Illustration.** For purposes of illustration, the following diagram demonstrates the pertinent areas affected by sub-sections "c" and "d" of this Section 7.08.2:



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

§7.09 Guest Houses: Guest houses are herein defined as a detached living quarter of permanent construction, without a kitchen, which is clearly subordinate and incidental to the use of the main building, on the same lot. Guest houses shall not be let, leased or rented, in whole or in part, independently of the main building.

§7.10 Height Limitations and Modifications. Heights of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof; but chimneys, stacks, vents, flagpoles, conventional television reception antennas, elevator, ventilating and air-conditioning equipment, parapet walls and similar architectural and mechanical appurtenances shall be excluded in making such measurement. Accessory buildings in R Zones shall not exceed 15 feet in height.

§7.11 (Begin section altered by Ordinance 08-03) Home Occupations: Home occupations, as defined herein, shall be permitted as appurtenant and accessory uses to any residential uses. If applicant complies with this section of the Zoning Ordinance, the permit will be issued administratively (over the counter). This section of the ordinance is not retroactive. The Home Occupation Permit shall:

- 7.11.1 Be a legal and lawful business; and
- 7.11.2 Produce no evidence of its existence in the external appearance of the dwelling or premises including but not limited to exterior displays such as signs, or in the creation of offensive noise, vibration, smoke, dust, odors, heat or glare, parking or traffic, or other nuisances to a degree greater than normal for the neighborhood.
- 7.11.3 Is confined completely within the dwelling or unattached structure and occupies not more than twenty five percent (25%) of the total floor space of the main dwelling (or its equivalent in an unattached structure).
- 7.11.4 Be an owner- or renter-occupied home and business.
- 7.11.5 Meet the requirements of the building inspector and fire district of jurisdiction and
- 7.11.6 Possess a current business license. If license expires, H.O.P. expires.
- 7.11.7 at time of business license renewal, produce a copy of the applicant’s Liability Insurance on which a rider has been placed for the Home Occupation. (End section altered by Ordinance 08-03)

§7.12 Lot Areas and Widths: Lot areas and widths which do not conform to the minimum specifications of the zone in which they are located will be permitted where the lot in

question was delineated on a recorded sub-division map or was under one ownership in the effective date of these regulations and the owner thereof has not subsequently acquired adjoining property.

§7.13 Lot Not Fronting on a Public Way. A lot not having frontage on a public way, but otherwise conforming to these regulations, may be used provided a use permit is first secured.

§7.14 Mobile homes:

- 7.14.1 Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with Section 7.14.2 of this ordinance, with the following exceptions:
- a. In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - b. Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - c. By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- 7.14.2 Mobile Homes on individual lots: A mobile home shall be permitted on an individual lot as a single-family dwelling unit, only if it meets the following requirements:
- a. Eligibility:
 - i. The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.
 - ii. The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City.
 - iii. The mobile home must comply with all development standards specified in the zone in which the mobile home is to be placed.
 - iv. The mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.
 - b. Compatibility: Mobile homes shall be considered compatible in those areas outside of the Design Control Combining or -D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single-family dwellings are a principal permitted use of land.

- §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: 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.
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

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 *Operational standards.*

a. Existing development. Accessory dwelling units shall only be built when there is an existing single-family residence (e.g., primary residence) on the site. If a site is vacant, an accessory dwelling unit may be constructed at the same time as the primary residence.

b. Short-term rental prohibited. Any rental of an accessory dwelling unit that was legally created on or after January 1, 2018 shall be for a term of no less than 30 days.

c. Sale of units. The sale of an accessory dwelling unit separate from the sale of the single-family residence is prohibited and will be enforced by deed restrictions.

d. 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.

7.21.10 *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) 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 Maintenance and Repair of Existing Sidewalks is the Responsibility of the Property Owner.

- 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

7.25.2 New Construction.

- a. Comply with City Standards (7.23.3) 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

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.
- d. *PROPERTY*. A parcel of land in its entirety, including all structures within the parcel boundaries.
- e. *TRANSIENT OCCUPANCY TAX*. A tax charged to transients for the privilege of overnight accommodation.
- f. *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.
- g. *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.
- h. *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

a. 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.

b. 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)
- §7.28 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.

ARTICLE 8: AMENDMENTS

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

ARTICLE 9: VARIANCE

- §9.01 A variance from the strict application of the terms of these regulations, other than regulations directly pertaining to the use of land and buildings which are not existing nonconforming uses, may be granted upon the findings of:
- 9.01.1 That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and
 - 9.01.2 That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, or
 - 9.01.3 That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and,
 - 9.01.4 Where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.
- §9.02 Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee and by such other information as may be required to describe fully the proposed variance. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §9.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §9.04 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §9.05 At the public hearing, the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §9.06 Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance applied for. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in Article IX. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §9.07 Revocation of Variances: In any case where the terms and conditions of a grant of a variance are not complied with, the Planning Commission shall give notice to the holder of such variance of this intention to revoke such variance. Proceedings for the revocation of a variance shall be conducted in the same manner as proceedings for the grant of a use permit.
- §9.08 (Added Ord. 07-01 on 2/12/07) Variances run with the land. (End section added 07-01)

ARTICLE 10: USE PERMITS

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

ARTICLE 11: APPEALS

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

ARTICLE 12: NON-CONFORMING USES and SPECIAL PERMITS.

- §12.01 Non-Conforming Uses: Any use, building or structure, existing on the date a zoning ordinance amendment rendered the use or structure nonconforming, may be continued, even though such use, building or structure may not conform with the provisions of this chapter, except as provided herein:
- 12.01.1 No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property.
 - 12.01.2 Any use for which a use permit is required by these regulations shall be considered a non-conforming use until a use permit is obtained.
 - 12.01.3 If any such use or building after the effective date of the application of these regulations to the subject property is destroyed to the extent of 60% or more, then the subject property shall become subject to the regulations applicable to the subject property, and any subsequent use or buildings shall be in accordance with such regulations.
 - 12.01.4 Any interruption of a non-conforming use, or the use of a non-conforming building which continues for 12 months or more, shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.
 - 12.01.5 Ordinary maintenance and repair may be made to any non-conforming use or building, provided that such maintenance and repair does not exceed 25% of the actual value in any one year.
 - 12.01.6 Any use coming within the provisions of Section 7.04, concerning domestic animals appurtenant to residential uses shall, after the expiration of 6 months from the effective date of these regulations, conform to the provisions of Section 7.04.
 - 12.01.7 Sections 12.01.3 through 12.01.5 are subject to Government Code §65852.25 when applicable to Multifamily Dwellings that are involuntarily damaged or destroyed by fire, other catastrophic events, or the public enemy.
 - 12.01.8 Buildings within the Historic District shall be exempt from sections 12.01.3 and 12.01.5, provided any reconstruction, repair or restoration occurs within the building square footage as existing on the effective date of these amendments.
- §12.02 Special Permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.
- 12.02.1 An owner or his agent may file an application for a special permit in the office of the Planning Department. The application shall be made upon a form prescribed by the Planning Department and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.
 - 12.02.2 Public Hearings are required for special permits.
 - 12.02.3 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
 - 12.02.4 At the public hearing, the Planning Commission shall hear any person affected by the proposed special permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.

ARTICLE 13: ENACTMENT

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

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

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

AYES:

NOES:

ABSENT:

ATTEST:

Frances Scalvini, City Clerk

Jeffrey Farley, Mayor (2002)

First Reading:	June 10, 2002		
Second Reading:	July 8, 2002		
Enacted:	July 8, 2002		
Amended:	Oct. 14, 2002	Ord 02-03	§7.23 on signs
	July 14, 2003	Ord 03-03	§3.64 and 7.21 and 7.22 on Second Dwelling Units.
	May 7, 2005	Ord 05-02	§3.70, 6.05 and 7.08 on Design Review and Sight Obstructions
	Nov. 16, 2006	Ord 06-05	§7.23.3 on Signs in CAGDQ
	Feb. 12, 2007	Ord 07-01	Amend §2.06, §3.18, §3.19, §3.78.2, §7.08.2, §7.23.4 and add §7.26.7 §9.08 and §10.08
	Sept 9, 2008	Ord 08-03	Amend §§3.38 and 7.11 on HOP's
	Aug 6, 2009	Ord 09-01	Amend <u>Article 2</u> . Add §2.07; §6.05 and §7.04
	Dec 1, 2011	Ord 2011-04	Amend §6.05.4(d)(i)(ii)
	Jan 5, 2012	Ord 2012-01	Add §6.07 –H Housing Combining Zone
	Feb 4, 2015	Ord 2014-06	Amend §7.16 Parking & §12.01 Non-Conforming Uses
	Oct 19, 2017	Ord 2017-01	Amend §3.13, 5.02, 5.03, 5.04, 5.06, 5.07, 5.08, 5.16, 7.06, and 7.26 (Vacation Rentals)
	April 19, 2019	Ord 2019-01	Add §7.24 Sidewalk Standards
	Sept 20, 2019	Ord 2019-02	Amend §7.21 (ADU Ordinance)
	Nov, 20, 2020	Ord 2020-04	Amend §7.08 Fences and §6.05 Design Review 1111

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