
Article XIV. - CT—Commercial Tourist District.

Sec. 26C-140A. - Purpose.

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Sec. 26C-140A. - Purpose.

To encourage a compatible blend of recreation and tourist-commercial uses in such a way as to perpetuate Sonoma County's coastal recreational resources in the manner provided in Section 2.3.4 of the general plan.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-140. - Permitted uses, subject to site development and erosion control standards.

The following uses are permitted except within a sensitive area, riparian corridor, critical habitat area, or unique feature designated in the general plan or coastal plan, in which case a use permit is required. All clearing of vegetation, grading, excavation, fill or construction in association with these uses shall conform to the site development and erosion control standards.

(a)

Tourist Commercial Uses.

(1)

Hotels, motels, inns, resorts, and guest ranches up to fifteen (15) units which are not located within designated village commercial areas in the coastal plan.

(2)

Retail shops which principally serve tourists, including sale of resort apparel, curios, souvenirs, film, and magazines, with a combined total size of less than three thousand (3,000) square feet.

(3)

Restaurants, including drive-in and take-out, and cocktail lounges accessory to restaurants or overnight accommodations, less than two thousand (2,000) square feet in size.

(4)

Art galleries and antique studios less than three thousand (3,000) square feet in size.

(5)

One bed and breakfast inn, of five or fewer rooms per definition, subject to design review, Article XXIX, and Landmarks Commission Article 24. No accessory structures shall be used for rental occupancy. A bed and breakfast inn shall have an owner and/or operator in residence within the structure. Non-amplified music, lawn parties, weddings, or similar outdoor activities may be allowed where specifically included in the use permit.

(6)

Visitor information center.

(b)

Other uses.

Agricultural cultivation may be allowed in subsections a. through c. above upon approval of a management plan which includes either appropriate mitigations for potential erosion, bank stabilization, and

biotic impacts. This plan may be approved by the director of the permit and resource management department or by use permit pursuant to Section 26C-141(a).

(1)

One (1) dwelling unit or living quarter as an accessory use only, provided it is occupied by the owner, operator, or caretaker of the principal uses conducted on the property.

(2)

Home occupations.

(3)

The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops. Except as noted below, agricultural cultivation shall not be permitted in the following areas:

(a)

Within one hundred feet (100') of the top of the bank in the "Russian River Riparian Corridor."

(b)

Within fifty feet (50') of the top of the bank in designated "flatland riparian corridors."

(c)

Within twenty-five feet (25') of the top of the bank in designated "upland riparian corridors."

(4)

Small residential community care facility.

(5)

Accessory uses and buildings incidental and appurtenant to the primary use.

(6)

Small family day care.

(7)

Large family day care provided that the applicant shall meet all performance standards listed in Section 26C-325.3.

(8)

Professional, administrative and general business offices provided that the site is within an urban service area designated in the general plan and that the use is primarily intended to serve tourist commercial and recreational needs.

(9)

Occasional cultural events, provided that a written notice stating "The Sonoma County Permit and Resource Management Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26C-331 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26C-331.

(10)

Public parks.

(11)

Beekeeping.

(12)

Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26C-325.7.

(13)

Minor and intermediate free-standing commercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26C-325.7.

(14)

Noncommercial telecommunication facilities eighty feet (80') or less in height which meet the applicable criteria set forth in Section 26C-325.7.

(15)

Small wind energy systems not located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to zoning permit approval and the standards in Section 26C-325.8.

(c)

Other nonresidential uses which in the opinion of the director of the permit and resource management department are of a similar and compatible nature to those uses described in Section 26C-140.

Sec. 26C-141. - Uses requiring a use permit.

(a)

Sensitive area uses:

(1)

Permitted uses listed in Section 26C-140 when located within a sensitive area, riparian corridor, critical habitat area, or unique feature designated in the general plan or coastal plan.

(2)

Any clearing of vegetation, grading, excavation, fill or construction when located within a sensitive area, riparian corridor, critical habitat area, or unique feature designated in the general plan or coastal plan.

(b)

Tourist commercial uses:

(1)

Tennis and racquet clubs.

(2)

Marinas, including yacht clubs, fueling docks and incidental boat storage sales.

(3)

Recreational vehicle parks, tent camps or campgrounds, including incidental retail sales of groceries, drugs, and supplies.

(4)

Noncommercial clubs and lodges, country clubs and golf courses, including miniature golf courses.

(5)

Commercial recreation facilities and uses such as indoor and outdoor sports facilities, athletic clubs, amusement parks and health resorts, subject to the limitations on lodging facilities contained in Section 26C-141(b)(6).

(6)

Hotels, motels, inns, resorts, and guest ranches of sixteen (16) or more units which are not located within village commercial areas in the coastal plan and subject, at a minimum, to a limit of two hundred (200) rooms in designated urban service areas, one hundred (100) rooms in rural areas which are serviced by public sewer, and a limit of fifty (50) rooms otherwise.

(7)

Retail shops which principally serve tourists, including sale of resort apparel, curios, souvenirs, film, and magazines with a combined size in excess of three thousand (3,000) square feet.

(8)

Restaurants, including drive-in and take-out and cocktail lounges accessory to restaurants or overnight accommodations in excess of two thousand (2,000) square feet in size.

(9)

Art galleries and antique studios in excess of three thousand (3,000) square feet in size.

(10)

Shooting and archery ranges.

(11)

Professional, administrative and general business offices.

(12)

Automobile service stations and gasoline sales.

(13)

Bars and cocktail lounges, including those which provide live entertainment and dancing.

(14)

Theaters.

(15)

Open air theaters, and similar establishments involving large assemblages of people.

(c)

Other uses:

(1)

Bus terminals.

(2)

Taxi terminals.

(3)

Commercial parking facilities.

(4)

Heliports.

(5)

Art, craft, music, and dancing schools.

(6)

Business, professional or trade schools and colleges.

(7)

Churches.

(8)

Public playgrounds, private parks, community centers, libraries, museums and similar public uses and buildings.

(9)

Minor public utility buildings and public service or utility uses (transmission, distribution lines and telecommunications facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2s and which are not otherwise exempt by state law.

(10)

Intermediate and major free-standing commercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26C-325.7.

(11)

Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26C-325.7.

(12)

Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses.

(13)

Large residential community care facility.

(14)

Day care center.

(15)

Agricultural cultivation in the following areas, for which a management plan has not been approved by the director of the permit and resource management department pursuant to Section 26C-140(b)(3).

a.

Within one hundred feet (100') of the top of the bank in the "Russian River Riparian Corridor."

b.

Within fifty feet (50') of the top of the bank in designated "flatland riparian corridors."

c.

Within twenty-five feet (25') of the top of the bank in designated "upland riparian corridors."

(16)

Gymnasiums, health clubs spas and similar uses.

(17)

Amplified live music.

(18)

Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26C-325.8.

(d)

Other nonresidential uses which, in the opinion of the director of the permit and resource management department, are of a similar and compatible nature to those uses described in Section 26C-141.

(Ord. No. 5436 § 2(u), 2003; Ord. No. 5318 § 1, 2001.)

Sec. 26C-142. - Permitted building intensity and development criteria.

The use of land and structures within this district is subject to this article, the applicable regulations of

this ordinance, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and coastal plan shall supersede the standards herein. Development shall comply with coastal plan policies.

(a)

Building intensity: The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.

(b)

Height limits: Height for all structures is measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

An increase in height for structures east of Highway 1 up to a maximum of thirty-five feet (35') may be considered if the appropriate review body finds that the structure is no higher than twenty-four feet (24') above the corridor route grade directly across from the building site, will not block coast views from the corridor route or neighboring properties and is compatible with community character, and does not exceed the allowed building intensity.

Where these requirements conflict with the height, site, and bulk criteria in Appendix B (Bane Bill) of the coastal plan, for those properties listed, the requirements of Appendix B shall be followed.

Expansions of such structures which do not comply with the revised height restrictions shall comply with the new definition of height measurement as stated above, except that the expansion, up to ten percent (10%) of floor area and not to exceed four hundred (400) square feet, shall be allowed, provided that the height does not exceed the height of the structure prior to the expansion, or the building height allowed by this chapter, whichever is greater.

(1)

West of Highway 1: Residential height limits are sixteen feet (16'). Commercial height limits are twenty-four feet (24').

(2)

Bodega Bay Core Area residential: Sixteen feet (16') height limit except that in major developments up to fifteen percent (15%) of the units may exceed the height limit.

(3)

East of Highway 1 in the Sereno Del Mar Subdivision: Residential height limits are sixteen feet (16'). There Sereno Del Mar Architectural Review Committee may grant a higher structure to a maximum of twenty-four feet (24') in accordance with subsection (7) below.

(4)

East of Highway 1 and visible from designated scenic roads: Residential and commercial height limits are twenty-four feet (24').

(5)

East of Highway 1 and are not visible from designated scenic roads: Thirty-five feet (35').

(6)

Agricultural structures: Thirty-five feet (35'); however, structures shall not obstruct views of the shoreline from coastal roads, vista points, recreation areas, and beaches; and structures shall be sited to minimize visual impacts.

(7)

Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26C-325.7.

(8)

An increase in height for residential structures west of Highway 1, up to a maximum of twenty-four feet (24'), may be approved if the appropriate review body finds that the structure is no higher than sixteen feet (16') above the corridor route grade directly across from the building site, will not block coast views from the corridor route or neighboring properties and is compatible with community character, and does not exceed the allowed building intensity.

(9)

A legal single family dwelling or appurtenant structures for which a building permit was issued after December 1, 1980, shall be considered to be conforming with regard to the height measurement. Repair and remodeling of such structures shall be allowed provided that the height does not exceed the height of the structure prior to the remodel or repair, or the building height allowed by this chapter, whichever is greater.

(c)

Minimum lot size:

(1)

Where both public sewer and public water services are provided or where public sewer service alone is provided, ten thousand (10,000) square feet.

(2)

Where public water service alone is provided, one (1) acre.

(3)

Where neither public sewer service nor public water service is provided, one point five (1.5) acres.

(d)

Minimum lot width: The minimum average lot width within each lot is eighty feet (80').

(e)

Maximum lot coverage: Sixty percent (60%) provided that additional lot coverage may be permitted subject to Section 26C-142(a).

(f)

Yard requirements: The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26C-323(f).

(1)

Front yard: None, except where the frontage in a block is partially in an R district, in which case the front yard shall be not less than twenty feet (20').

(2)

Side yard: None, except where the side of a lot is next to any R district, in which case the side yard shall be not less than ten feet (10').

(3)

Rear yard: None, except where the rear of a lot abuts on an R district, in which case the rear yard shall be not less than ten feet (10').

(4)

Greater yards may be required in order to meet the standards of design review.

(g)

Parking Requirements.

(1)

Parking shall be provided in accordance with the standards established in parking regulations.

(h)

Environmental and hazards requirements.

(1)

Environmental protection and hazards recommendations contained in the coastal plan, Chapter 3, and land use recommendations 20 and 21, Chapter 7, shall be applied to development projects within or affecting identified "potentially sensitive," "conservation," "sanctuary preservation," and "geologically unstable" areas on open space and hazards maps.

(2)

All development shall be subject to site development and erosion control standards. These standards are to be used as the minimum standards for development in the coastal zone. Where both these standards and the policies of the coastal plan apply to a development, the policies of the coastal plan shall take precedence over these standards. Where the policies and standards of the general plan are more restrictive than those of the coastal plan or any of the standards below, the general plan standards and policies shall apply. development shall comply with coastal plan policies.

(3)

No development or grading shall occur on slopes greater than thirty percent (30%), unless no feasible alternate site is available.

(i)

Access dedication.

(1)

Each permit must conform to Chapter V access provisions of the coastal plan. An offer of dedication is required if an accessway is shown on the property in the access plan. Consult Chapter V in the coastal plan for a description of each accessway and procedural requirements for dedication. In addition, existing prescriptive rights must be protected even if no accessway is shown in the access plan.

(2)

Two (2) types of access may be required: Lateral and/or vertical.

a.

Lateral access refers to access paralleling the water's edge, either on the beach or the bluff. For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory, unless the project has no direct or cumulative impact on the availability of public access to the coast. When there is a bluff, beach access to the toe of the bluff should be dedicated. If not, a twenty-five feet (25') wide accessway should be dedicated. If a bluff top trail is shown in the access plan, a bluff top easement dedication shall be required to be described as an area beginning at the bluff edge extending approximately twenty-five feet (25') inland. In no case shall the dedicated easement be required to be closer than ten feet (10') to a residential structure.

b.

Vertical access dedications are necessary to provide access from the public roadway to the shoreline. A corridor easement should be a minimum of fifteen feet (15') in width with slope easements plus the additional area necessary for the placements of improvements.

(j)

Design review: Design review approval shall be required for all permitted uses in the manner provided in Article XXIX.

(1)

All new development shall conform with coastal plan visual resource recommendations, applicable scenic view protection policies and policies related to landform and vegetation categories included in the coastal administrative manual, or subsequently approved area design guidelines.

(2)

Design review to be required in accordance with the procedures described on the review process final view rating maps on file in the permit and resource management department and incorporated by reference.

(3)

New extensions of utility distribution lines shall be undergrounded, except when such undergrounding would have a more significant environmental effect than an overhead line.

(Ord. No. 5318 § 1, 2001.)