

## Article XIII. - CS—Rural Services District.

### Sec. 26C-130A. - Purpose.

To implement Sections 2.3.1 and 2.3.2 of the general plan land use element by providing areas within the coastal zone which permit various retail business, service and professional activities only within rural community and urban service boundaries designated in the coastal plan.

(Ord. No. 5318 § 1, 2001.)

### Sec. 26C-130. - 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) Retail and Personal Service Uses:

- (1) Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, drugs, notions or hardware; personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops and the like. All retail sales and service uses shall be conducted entirely within a building. Maximum building gross floor area is three thousand (3,000) square feet.
- (2) Plant and garden supply stores, nurseries and similar outdoor sales uses.
- (3) Appliance repair, TV and electronic repair.
- (4) Restaurants, bars and cocktail lounges, provided that no live entertainment and dancing is allowed. Maximum building gross floor area is three thousand (3,000) square feet.
- (5) Financial institutions such as banks and savings and loan offices, provided the facility is limited to three thousand (3,000) square feet of gross floor area.
- (6) Professional, administrative, and general business offices.
- (7) Health clinics.
- (8) Health care offices.

#### (b) Other Uses:

- (1)

Accessory buildings and uses normally incidental to any permitted use. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted.

- (2) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26C-325.2.
  - (3) Small family day care.
  - (4) 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.
  - (5) Large family day care provided that the applicant shall meet all performance standards listed in Section 26C-325.3.
  - (6) Small residential community care facility.
  - (7) Beekeeping.
  - (8) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26C-325.7.
  - (9) Minor and intermediate free-standing commercial telecommunication facilities fifty feet (50') or less in height subject to the applicable criteria set forth in Section 26C-325.7.
  - (10) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26C-325.7.
  - (11) Small wind energy systems subject to the applicable criteria set forth in Section 26C-325.8 and the height limit of the use (i.e. residential, commercial, or agricultural) to which the use is appurtenant.
- (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-130.

(Ord. No. 5343 § 3, 2002; Ord. No. 5318 § 1, 2001.)

Sec. 26C-131. - Uses requiring a use permit.

(a) Sensitive Area Uses:

(1)

Permitted uses listed in Section 26C-130 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) Retail and Personal Service Uses:

- (1) Retail sales uses described in Section 26C-130(a)(1) which exceed three thousand (3,000) square feet gross floor area.
- (2) Produce stands and feed store.
- (3) Art galleries, antique stores, second hand sales, and auction studios.
- (4) New and used passenger vehicle, truck, trailer, farm implement, boat, recreational vehicle sales and rental.
- (5) Vehicle parts and accessories sales, and tire sales.
- (6) Outdoor sales yards, auction yards, and flea markets.
- (7) Gasoline service stations and mini-marts.
- (8) Art, craft, music and dancing schools.
- (9) Business, professional or trade schools and colleges.
- (10) Restaurant, bars and cocktail lounges which include live entertainment and/or dancing, or which exceed three thousand (3,000) square feet gross floor area.
- (11) Drive-in and take-out restaurants.
- (12) Landscape materials yards and building material yards.
- (13) Commercial firewood yards including wood splitting.
- (14) Financial institutions described in Section 26C-26(a)(3) and which exceed three thousand (3,000) square feet gross floor area.
- (15) Passenger and recreational vehicle maintenance services including service stations, washing and waxing, brake muffler, and tire repair.
- (16) Passenger and recreational vehicle repair, body work, upholstery, and painting.
- (17) Truck maintenance and repair.
- (18) Animal hospitals, shelters, kennels, and veterinary clinics.
- (19) Equipment rental yards.
- (20) Minor agricultural services which serve the immediate vicinity including blacksmithing, welding, small machinery repair, and the like.

(c) Recreational Uses:

- (1)

Hotels, motels, inns, and guest ranches which are not located within designated village commercial areas in the coastal plan.

- (2) One (1) bed and breakfast inn, of five or fewer rooms per definition, subject to design review, Article XXIX, and/or 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. Nonamplified music, lawn parties, weddings, or similar outdoor activities may be allowed where specifically included in the use permit.
  - (3) Commercial recreation facilities including theaters, gymnasiums, swimming centers, skating rinks, tennis clubs, racquetball and handball facilities.
  - (4) Recreational vehicle parks, subject to Section 26C-325.5.
- (d) Residential Uses:
- (1) One (1) dwelling unit on a permanent foundation per lot, subject, at a minimum, to the following criteria and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district:
    - a. The property has constraints or is of such a size as to make it infeasible to develop with commercial uses allowed by zoning.
    - b. The unit complies with setbacks, building heights, and other standards of the applicable zoning district.
    - c. The unit meets other conditions which may result from the application review process.
  - (2) One dwelling unit on a permanent foundation per lot, if compatible with and secondary to an existing or proposed commercial use, and provided that the property has not otherwise been developed with a dwelling unit.
  - (3) Additional dwelling units on permanent foundations provided that they are secondary to and compatible with an existing or proposed commercial use according to the following criteria:
    - a. The combined floor area of all of the residential units on the site must be less than fifty percent (50%) of the combined floor area of the commercial development.
    - b. All residential units shall be attached units and each unit or group of units shall be attached to the commercial structure.
    - c. The maximum size of any residential unit is one thousand (1000) square feet.
- (e) Other Uses:
- (1) Wholesale warehouses and storage warehouses.
  - (2) Fleet storage yards and equipment storage yards.
  - (3) Fuel yards.
  - (4) Cabinet shops; electrical, plumbing and heating shops; welding, sheet metal and machine shops.

- (5) Recycling centers for household paper, glass.
  - (6) Public and private elementary schools, junior high schools, high schools and colleges.
  - (7) Public playgrounds, parks, community centers, libraries, museums and similar uses.
  - (8) Cemeteries, mausoleums, columbariums, and crematoriums.
  - (9) Noncommercial clubs and lodges.
  - (10) Churches.
  - (11) 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-2(s) and which are not otherwise exempt by state law.
  - (12) Intermediate free-standing telecommunication commercial facilities greater than fifty feet (50') in height subject at a minimum to the applicable criteria set forth in Section 26C-325.7.
  - (13) Non-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.
  - (14) 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.
  - (15) Large residential community care facility.
  - (16) Major medical facilities, small medical offices and clinics.
  - (17) Outdoor vendors.
  - (18) Recycling centers for household paper, glass, metals.
  - (19) Day care center.
  - (20) Commercial planned developments and commercial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. The lot size and required yards of Section 26C-132 shall not apply to such development.
- (f) Other non-residential 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-131.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-132. - Building intensity and development criteria.

The use of land and structures within this district is subject to this article, the general 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.
  - (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'). The 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.

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.

- (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.

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.

(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) acre.

(d) Maximum Lot Coverage: Fifty percent (50%) provided that additional lot coverage may be permitted subject to Section 26C-132(a).

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

- (1) Front Yard: None, except where the frontage of 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.

(f) Parking Requirements:

- (1)

Not less than two (2) covered off-street parking spaces per dwelling unit. The requirements for covered parking may be waived for single-family dwellings if the lot on which the dwelling is to be placed is of such size, shape, or location that the areas devoted to automobile parking will be visually screened from adjacent lots and from common roadways serving the property, provided that site plan approval in accordance with design review is first secured.

- (2) Multi-family dwellings and dwelling groups: one (1) covered space plus one (1) uncovered guest parking space per dwelling unit.
- (3) Any other use shall provide parking in accordance with the standards in parking regulations.

(g) 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.

(h) 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.
- (i) 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.)

Article XXII. - SR—Scenic Resources Combining District.

Sec. 26C-220A. - Purpose.

To preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-220. - Development criteria.

Maximum building heights, minimum lot areas and lot widths, yard requirements and maximum percentages of lot coverage shall comply with the requirements for the districts with which the SR regulations are combined unless otherwise provided herein.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-221. - Scenic landscape units.

- (a) All structures located within scenic landscape units illustrated on figures OS-5a through OS-5i, inclusive, of the general plan open space element and included within the SR district, shall be subject to the following criteria:
- (1) Structures shall be sited below exposed ridge lines.
  - (2) Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire retardant plants may be required.
  - (3) Cuts and fills are discouraged, and where practical, driveways are screened from public view.
  - (4) Utilities are placed underground except when such undergrounding would have a more significant effect than an overhead line.

The above criteria shall not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

In the event that compliance with these standards would make a parcel unbuildable, structures shall be sited where minimum visual impacts would result.

- (b) In addition to the criteria listed in Sec. 26C-221(a), the following standards shall apply to subdivisions within scenic landscape units and included within the SR district unless otherwise provided herein:
- (1) Building envelopes shall be established for structures. Use of the height limitations should be considered if necessary to further mitigate visual impacts.
  - (2) Clustering shall be used to reduce visual impact where consistent with the applicable base district.
  - (3) Building sites and roadways shall be located to preserve trees and tree stands as provided in Section 26C-320(k) of the ordinance codified in this chapter.
- (c) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.
- (d) Additional or varied development may be allowed in designated scenic landscape units in accordance with General Plan Policy OS-2c.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-222. - Scenic corridors.

The following provisions shall apply to properties along scenic corridors illustrated on figures OS-5a through OS-5i, inclusive, of the general plan open space element unless otherwise provided herein:

- (a) All structures located within scenic corridors established outside of the urban service area boundaries shown on Figures LU-5a through LU-5i, inclusive, of the general plan land use element shall be subject to the setbacks of thirty percent (30%) of the depth of the lot to a maximum of two hundred feet (200') from the centerline of the road. Development within the setback shall be prohibited with the following exceptions, where such uses are allowed by the base district with which this district is combined:
- (1) New barns and similar agricultural support structures which are added to existing farm complexes provided that such structures proposed within a state scenic highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review.
  - (2) New barns and similar agricultural support structures which do not require a use permit in this chapter provided, however, that such structures proposed within a state scenic highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review.
  - (3) Maintenance, restoration, reconstruction, or minor expansion of existing structures.
  - (4) Other new structures provided they are subject to design review and
    - a. They are associated with existing structures;
    - b. There is no other reasonable location for the structure;
    - c. The location within the setback is necessary for the use; or
    - d. Existing vegetation and topography screen the use.
  - (5) Compliance with the setback would render the parcel unbuildable.
  - (6) Satellite dishes which are not visible from the roadway.
- (b) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.
- (c) Where scenic corridor policies of the coastal plan are more restrictive than the above requirements, the coastal plan policies shall be met.

(Ord. No. 5318 § 1, 2001.)