

Article XVII. - CF—Commercial Fishing District.

Sec. 26C-170A. - Purpose.

To create areas for resource support facilities for the commercial fishing industry within the general plan's "limited industrial" land use categories as provided in General Plan Policy LU-10i.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-170. - 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) Fishing Commercial Uses:

- (1) Fish buying and selling facilities.
- (2) Fishing supply stores, including bait and tackle stores.
- (3) Warehouses for storage of fishing gear, boats, and trailers.

(b) Other Uses:

- (1) Accessory buildings and uses normally incidental to any permitted use.
- (2) 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.
- (3) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26C-325.7.
- (4) 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.
- (5) Noncommercial telecommunication facilities eighty feet (80') or less in height which meet the applicable criteria set forth in Section 26C-325.7.
- (6) 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-170.

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

Sec. 26C-171. - Uses requiring a use permit.

(a) Sensitive Area Uses:

- (1) Permitted uses listed in Section 26C-170 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) Fishing Commercial Uses:

- (1) Large and heavy merchandise sales related to fishing industry needs including boat machinery, parts, and hardware sales incidental thereto.
- (2) New and used boat sales.
- (3) Fuel sales.
- (4) Marinas.
- (5) Dry cleaning and laundering services.
- (6) Business support offices related to the fishing industry including security services and harbor administration.
- (7) Boat repair and maintenance facilities.
- (8) Contractors' shops related to fishing activities, including welding, small machinery repair and the like.
- (9) Fishing support facilities including ice and blowers, fish off-loading, gear loading, boat haul-out and hoisting, pump-out, berthing and docks, boat launching, marine chandleries, and the like.
- (10) Boat and fishing related equipment rentals.
- (11) Storage yards for permitted uses.
- (12) Fuel yards.
- (13) Manufacturing, assembling or testing of devices, equipment and systems of an electrical, electronic or electro-mechanical nature related to harbor or marine activities.
- (14) Marine testing laboratories, research and development facilities.
- (15) Fish processing plants.

(c) other Uses:

- (1) One (1) mobile home or dwelling unit, as an accessory use only, to be used as the residence of the owner, operator, or caretaker of the permitted use.
- (2) Restaurants, bars and cocktail lounges with or without live entertainment and dancing necessary to serve the CF district.
- (3) Campgrounds and recreational vehicle and travel trailer parks (including incidental retail sales of groceries, drugs, and supplies).
- (4) Commercial aquaculture.
- (5) Necessary sea walls, breakwaters, and other shoreline structures as permitted by Coastal Act Section 30235.
- (6) 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, and 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.

- (7) 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.
 - (8) 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.
 - (9) 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.
- (d) 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-171.

(Ord. No. 5318 § 1, 2001.)

Sec. 26C-172. - Building intensity and development criteria.

The use of land and structures within this district is subject to this article, the applicable regulations of the ordinance codified in this chapter, 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 coverage of the lot in square feet. 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: Twenty-four feet (24').
 - (6) Agricultural structures: Twenty-four feet (24'); 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, 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, does not exceed the allowed building intensity, and there are overriding considerations.

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: (More than one building may be located on each lot)

- (1) On lands designated "Limited Industrial" on the general plan land use map 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 and five-tenths (1.5) acres.

- (d) 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 the same as required in such R district.
- (2) Side Yard: None, except where the side of a lot abuts on an R district, in which case the side yard shall not be 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.

- (e) Maximum Lot Coverage: Fifty percent (50%) provided, however, that additional coverage may be permitted subject to Section 26C-172(a).

- (f) Parking and Loading Requirements: Parking shall be required in accordance with Article XXXI.

- (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 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: Permitted uses shall be subject to design review 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.)