Clean Copy

ORDINANCE NO. 10072 (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SOLAR ENERGY

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that solar power is an important renewable source of energy and the Zoning Ordinance should be amended to allow for the placement of solar energy systems. The ordinance is consistent with existing State laws that encourage the construction of Solar Energy Systems to conserve energy. The amendments made by this ordinance are intended to set forth reasonable standards and procedures for the installation and operation of Solar Energy Systems to improve and enhance public welfare and safety, and to implement the San Diego County General Plan, specifically the Energy Element.

Section 2. Section 1110, DEFINITIONS (P), of the Zoning Ordinance is amended to add the definition of Photovoltaic Solar Energy System to read as follows:

Photovoltaic Solar Energy System: A type of solar energy system that converts solar energy into a usable form of electricity using Photovoltaic Solar Cells.

Section 3. Section 1110, DEFINITIONS (S), of the Zoning Ordinance is amended to add the definitions of Solar Energy System, onsite use and Solar Energy System, offsite use to read as follows:

Solar Energy System, Onsite Use: A solar energy conversion system consistent with the requirements of section 6952 for onsite energy use. The energy generated is predominately used onsite.

Solar Energy System, Offsite Use: A solar energy conversion system consistent with the requirements of section 6952 for offsite energy use. The energy generated is predominately used offsite.

Section 4. Section 4620 of the Zoning Ordinance is amended to read as follows:

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.
The following structures shall be exempt from the maximum height provisions of an applicable height designator:

a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.

b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.

c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.

f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.

g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.

h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.

i. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of the roof.

j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.

k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 5. Section 4622 of the Zoning Ordinance is amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.
Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.

b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.

c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

e. Grain elevators, silos, water tanks, barns, and all other structures greater than 50 feet in height functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; grain elevators silos, and water tanks not located in agricultural zones or S92 Use Regulations.

f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.

g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.

h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.

i. A Photovoltaic Solar Energy System.

j. Wireless Telecommunications Facilities.

Section 6. Section 4835 of the Zoning Ordinance is amended to read as follows:

PERMITTED BUILDINGS, STRUCTURES AND PROJECTIONS IN REQUIRED YARDS

(Part of Section 4835)

Building, Structure or Projection	Front Yard	Interior Side Yard	Exterior Side Yard	Rear Yard of Interior Lot	Rear Yard of Corner Lot
c. Private detached garages and carports; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Permitted in agricultural and residential zones only if in conformance with regulations at Section 4837.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in agricultural, residential, S87 and S92 use regulations, if detached, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.
d. Living units including guest living quarters, enclosed pool houses, art or music studios and recreation rooms.	----------Not permitted----------				
e. Stands	Permitted where stands are allowed by Section 6156.	----------Not permitted----------			
f. A Photovoltaic Solar Energy System	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height.	Permitted in all zones but not more than 30 inches above grade.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.	Permitted in all zones but may not exceed 12 feet in height nor cover more than 50 percent of the required yard in combination with all detached accessory structures.

Section 7. Section 6952 of the Zoning Ordinance is added to read as follows:

6952 SOLAR ENERGY SYSTEM

a. Solar Energy System, Onsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for onsite use shall be allowed as an accessory use to all Agricultural, Civic, Commercial, Industrial and Residential use types in all zones in accordance with the following requirements:

i. Setback. A System shall meet all of the main building setback requirements of the zone or comply with Section 4835.f.

ii. Height. A System shall meet the height limit of the height designator of the zone, except when allowed to extend not more than 5 feet above the highest point of the roof, in accordance with Section 4620.i.

iii. Solar Panel Description. The panel manufacturer and model shall be specified as part of the building permit.

iv. Special Area Regulations: Photovoltaic solar energy systems for onsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

b. Solar Energy System, Offsite Use shall be permitted as follows:

1. A photovoltaic solar energy system for offsite use with a project area of less than 10 acres shall be allowed with an Administrative Permit in all zones in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:

(a.) That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

i. Harmony in scale, bulk, coverage and density;

ii. The availability of public facilities, services and utilities;

iii. The harmful effect, if any, upon desirable neighborhood character;

iv. The generation of traffic and the capacity and physical character of surrounding streets;

v. The suitability of the site for the type and intensity of use or development which is proposed; and to

vi. Any other relevant impact of the proposed use; and

(b.) That the impacts, as described in paragraph "b.1.(a.)" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and

(c.) That the requirements of the California Environmental Quality Act have been complied with; and

(d.) That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the Solar Energy System is authorized to use the property for a Solar Energy System, unless the operator owns the land upon which the Solar Energy System will be located.

2. A photovoltaic solar energy system for offsite use with a project area of 10 acres or more, or a combination of parcels with a combined area of 10 acres or more is a Major Impact Service and Utility in all zones and shall require a Major Use Permit permitted in accordance with the use permit procedure commencing at section 7350. The use permit conditions shall include the requirements in subsection a. and subsection 3. of this Section.

3. All other types of a solar energy systems or solar power plants including concentrating solar power plants, parabolic troughs, concentrating linear fresnel reflectors, stirling solar dish, or a solar power tower are a Major Impact Service and Utility in all zones and shall require approval of a Major Use Permit in accordance with section 7350 and the following requirements on any parcel of land:

(a.) Setback. A system or plant shall meet all of the setback requirements of the zone.

(b.) Height. A system or plant of more than 200 feet in height is required to comply with Federal Aviation Administration safety height requirements.

(c.) Visual. The following measures shall be followed in order to minimize the visual impact of the project:

i. Removal of existing vegetation shall be minimized.

ii. Internal roads shall be graded for minimal size and disruption.

iii. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.

iv. A structure shall be non-reflective in all areas possible to blend with the surroundings.

(d.) Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the Solar Energy System. The security shall be provided to DPLU prior to building permit issuance. Once the Solar Energy System has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the Solar Energy System.

4. Special Area Regulations: Photovoltaic solar energy systems for offsite use subject to a Special Area Designator must comply with the applicable Special Area Regulations provisions of Sections 5000 through 5999.

Section 8. Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 15th day of September, 2010.

PAM SLATER-PRICE
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 15th day of September, 2010.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By _____
Catherine Santos, Deputy

Ordinance No. 10072 (N.S.)
Meeting Date: 9/15/10 (4)