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Update No. 84
10-10

TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Department of Planning and Land Use
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10072 (N.S.), effective 10-15-10 and by adoption of Ordinance No. 10073 (N.S.), effective, 10-15-10. The Ordinance amendment pursuant to Ord. No. 10072 adds definitions related to Solar Energy Systems, amends references in existing sections regarding solar energy equipment and introduces new Solar Energy System regulations. The Ordinance amendment pursuant to Ord. No. 10073, known as the Interim Wind Energy Ordinance, amends existing Small, Medium and Large Wind Turbine Systems definitions and provisions. These amendment pages are known as POD 09-006 and POD 10-007 respectively, adopted by the Board of Supervisors on September 15, 2010.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Def. P (1 page)	Def. P (1 page)	Add the term "Photovoltaic Solar Energy System" to the Definitions
Def. S (1 page)	Def. S (1 page)	Add the terms "Solar Energy System, Offsite Use" and "Solar Energy System, Onsite Use" to the Definitions
Def. W - Def. Y (2 pages)	Def. W - Def. Y (2 pages)	Amend the terms "Wind Turbine System, Medium" and "Wind Turbine System, Large" in the Definitions
1380 (1 page)	1380 (1 page)	Amend the "Wind Turbine System, Medium" Use Type
4620-4622 (2 pages)	4620-4622 (2 pages)	Amend the "Permitted Exceptions to Height Limits" and "Exceptions to Height Limitations with Minor Use Permit" regulations.

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
4835 (3 pages)	4835 (3 pages)	Amend subsection f. to include the term "A Photovoltaic Solar Energy System" in the permitted projections in to required yards
6156.z (2 pages)	6156.z (2 pages)	Amend Section related to "Wind Turbine System, Small" and pagination changes
6156 (1 page)	6156 (1 page)	Adding reference to ordinance number and date of adoption at the end of Section 6156
6950-6951 (3 pages)	6950-6952 (4 pages)	Amend Section related to "Wind Turbine System, Medium" Amend Section related to "Wind Turbine System, Large" Add Section 6952 related to Solar Energy System regulations

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 84 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding these updates, please contact Marcus Lubich at (858) 694-8847 [Solar Energy Ordinance] or Carl Stiehl at (858) 694-2216 [Interim Wind Energy Ordinance].



RICH HAAS
Assistant Director

DEFINITIONS (P)

Parcel: A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

Parking Area: An open area, other than a street or alley, which contains motor vehicle parking spaces.

(Amended by Ord. No. 5976 (N.S.) adopted 1-28-81)
(Amended by Ord. No. 7432 (N.S.) adopted 01-06-88)

Parking Garage: A building other than a private or public garage used for the shelter or storage of operating motor vehicles and may, incidental thereto be used for the care, repair or equipping of such vehicles.

Parking Space: An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

Parlor: (See Massage Parlor)

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Patio Cover: A one-story, open-sided shade structure consisting of a roof and structural supports, attached to or detached from the primary dwelling which is used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room. A patio cover may have enclosing walls in any configuration, provided the open area of the longer wall and one additional wall is equal to at least 65% of the area below a minimum of 6'-8" of each wall, measured from the floor. For the purposes of this definition, the term "open" includes the use of insect screen material.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Peep Show Device: Any device which displays still or moving images in a peep show booth which depict specified anatomical areas or specified sexual activities upon payment of a fee or other consideration.

(Added by Ord. 8015 (N.S.) adopted 12-4-91)
(Amended by Ord. 9469 (N.S.) adopted 6-12-02)

Peep Show Booth: Any room, booth, partial enclosure or partitioned area of any room in which a peep show device is located, with a seating capacity of five or fewer persons. It does not include an Adult Mini-Motion Picture Theater which has a seating capacity of more than five but less than fifty persons where still or motion images are regularly shown to an audience of more than five but less than fifty persons at any one time.

(Added by Ord. No. 8015 (N.S.) adopted 12-4-91)

Penthouse: A projection above the roof which when used only for the shelter of mechanical equipment or shelter of vertical shaft openings in the roof is not regarded as a story.

Person: Any individual, firm, copartnership, joint venture, association, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

Def. P

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

(Added by Ord. No. 10072 (N.S.) adopted 9-15-10)

Planned Development: A large, integrated development located on a single building site, or on 2 or more building sites which may be separated only by a street or other right-of-way. In such development, the land and structures shall be planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facility, open space, and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.

Ponds: (See Aquaculture)

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Porte Cochere: A covering over a driveway, (usually circular) or drive that allows a vehicle to continue onto another portion of the site, that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

(Added by Ord. No. 9935 (N.S.) adopted 4-23-08)

Pot-Belly Pig: A domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and not exceeding eighteen inches in height measured at the shoulder.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Poultry: Chickens, turkeys, ducks and geese.

(Added by Ord. No. 6268 (N.S.) adopted 4-14-82)

Premises: An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

Principal Use(s): The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

Private Garage: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Sign, Wall: Any sign affixed to or painted directly upon a building facing in such a manner that the face of the sign is substantially parallel to the place of the building facing and does not project more than 16 inches, therefrom; provided, however, that any sign erected, painted or placed upon, against, or directly above a roof, the slope of which varies not more than 45 degrees from a vertical plane, shall be considered a wall sign. Permanent window signs shall be considered wall signs.

Sign, Window: Any sign temporarily affixed to or displayed on the interior of an establishment so as to be readable from the exterior thereof shall be considered a wall sign.

Significant Habitat Lands: Sensitive habitat lands with a combination of biological features that result in the likelihood of significant, unmitigable environmental impacts if developed.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Significant Investment in Buildings or Structures: When used with reference to interim or temporary uses regulated by this Ordinance, "significant investment in buildings or structures" shall mean the placement or construction of any building, structure, or other improvement in such manner or at a cost as to be inconsistent with the temporary status of the use and which would preclude its ready removal from the site at a reasonable cost upon termination of the interim or temporary use.

(Added by Ord. No. 8506 (N.S.) adopted 3-01-95)

Significant Prehistoric or Historic Sites: Location of past intense human occupation where buried deposits can provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Such locations shall include, but not be limited to: any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structures, or object included in or eligible for inclusion in the National Register of Historic Places, the State Landmark Register; or included in or eligible for inclusion, but not rejected, for the San Diego County Historical Site Board List; any area of past human occupation located on public or private land where important prehistoric or historic activities and/or events occurred; and any location of past or current sacred religious or ceremonial observances protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9; such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, and natural rocks or places which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Single Detached: (See Building Type, Residential)

Site Plan: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

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.

Def. S

(Added by Ord. No. 10072 (N.S.) adopted 9-15-10)

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.

(Added by Ord. No. 10072 (N.S.) adopted 9-15-10)

Special Area: That element of the zone which indicates, by means of a letter designator, the Special Area Regulations which apply to that zone.

Special Parking District: An area, described in Section 5761, where reduced off-street parking may be authorized.

(Added by Ord. No. 8407 (N.S.) adopted 5-18-94)

Special Purpose Zone: A zone including a use regulations set forth in Sections 2800 through 2979, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Specified Sexual Activities:

1. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Stable, Boarding or Breeding: (See Boarding or Breeding Stable)

Stable, Private: (See Horsekeeping)

Stable, Public: (See Public Stable)

Use Permit: A permit which may be granted by the appropriate San Diego County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

Use Permit, Concurrent: Use permits filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land under the original jurisdiction of the Planning Commission.

Use Permit, Major: Use permit under the original jurisdiction of the Planning Commission.

(Amended by Ord. No. 6505 (N.S.) adopted 1-5-83)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)

Use Permit, Minor: Use permit normally under the original jurisdiction of the Director.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

Use, Principal: (See Principal Use)

Use Type: (See Use Classification)

Use Regulations: That element of the zone which indicates, by means of a designator combining a letter and a number, the use types which are permitted in that zone.

DEFINITIONS (V)

Variance: A departure from the specific requirements of the Zoning Ordinance which may be granted by the appropriate San Diego County authority when the literal enforcement of these requirements would result in practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this ordinance.

Vermiculture or vermicomposting: A form of animal husbandry involving the raising of worms of the taxonomic phylum Annelida (segmented worms) and/or the use of said worms to convert organic matter into compost.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

Very Low-Income Family: (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Very Low-Income Household: (See Household, Very Low Income)

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. W

DEFINITIONS (W)

Wall, Exterior: Any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.

Wall, Solid: (See Fence, Solid)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Wall, View-Obscuring: (See Fence, View-Obscuring)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Wetland: All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes;
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Wetland Buffer: Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Windmill: A device which converts the kinetic energy of the wind into a useable form of mechanical energy.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)

Wind Turbine: A device which converts the kinetic energy of the wind into a useable form of electrical energy. A Wind Turbine is not a Meteorological Testing (MET) Facility.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

Wind Turbine System, Small: An installation consisting of no more than one wind turbine with a maximum blade swept area of 220 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 220 square foot blade swept area corresponds approximately with a blade diameter of 16.5 feet for a conventional horizontal axis wind turbine.)

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wind Turbine System, Medium: An installation consisting of one to five wind turbines in which the sum of the blade swept area of the turbines is no more than 850 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 850 square foot blade swept area corresponds approximately with a blade diameter of 33 feet for one conventional horizontal axis wind turbine).

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 10073 (N.S.), adopted 9-15-10)

Wind Turbine System, Large: An installation consisting of one or more wind turbines in which the sum of the blade swept area of all turbines is greater than 850 square feet. This area shall be measured in the vertical plane perpendicular to wind direction. No individual wind turbine shall have a blade swept area greater than 6400 square feet. The "Wind Turbine System, Large" shall be classified as a Major Impact Services and Utilities use type.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 10073 (N.S.), adopted 9-15-10)

Wind Turbine, Non-operational: Any wind turbine(s) whose power output (in kilowatt hours) for any consecutive 12 months is less than 10% of the expected power output. The expected power output for commercial wind turbines shall be the amount claimed in the company's prospectus.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wood Waste: Lumber and wood products but excluding painted wood, wood treated with chemicals, and pressure treated wood.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Wood and Green Waste Composting Facility: A facility where wood and/or green waste decompose in a controlled environment into compost, soil amendment or other products. A composting facility may employ mechanical equipment to turn the piles and provide aeration. Composting may be conducted within an enclosed building or in the open such as in windrow composting. Backyard composting by homeowners and composting of material generated by an agricultural operation for the purpose of mulching or soil amendment on property in the same ownership as that where composting takes place shall not be considered a Wood and Green Waste Composting Facility. The composting of municipal sewage sludge shall also not be considered a Wood and Green Waste Composting Facility even if such composting operation utilizes wood or green waste.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Def. Y

DEFINITIONS (Y)

Yard: An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this ordinance, on the lot on which a building is situated.

Yard, Front: The yard between a front lot line or lines and the line defined by the required front yard setback.

Yard, Rear: The yard between a rear lot line or lines and the line defined by a required rear yard setback.

Yard, Side: The yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front to the rear yard.

Yard, Side, Exterior: A side yard abutting a street.

Yard, Side, Interior: A side yard other than an exterior side yard.

DEFINITIONS (Z)

Zone: A mapped area to which a uniform set of regulations applies, or a uniform set of regulations described by a use designator, an animal designator, a development designator, and an optional special area designator.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

1380 WIND TURBINE SYSTEM, MEDIUM.

The wind turbine system (medium sized) use type refers to the production of electric power by up to five wind turbines, or systems in which the total blade swept area is no more than 850 square feet. The blade swept area shall be measured in the vertical plane perpendicular to the wind direction. This use type is permitted in all zones (except those having the S81 Ecological Resource Area Use Regulations) upon issuance of an administrative permit. This use type does not include uses classified as Major Impact Services and Utilities. Typical uses include wind turbine installation of medium size for residential or small scale commercial use.

(Added by Ord. No. 6857 adopted on 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)
(Amended by Ord. No. 10073 (N.S.), adopted 9-15-10)

4615 ADDITIONAL STORY PERMITTED.

- a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.
- b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:
 - 1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and
 - 2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

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.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)
 (Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)
 (Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)
 (Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
 (Amended by Ord. No. 10072 (N.S.) adopted 9-15-10)

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.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)
 (Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
 (Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
 (Amended by Ord. No. 10072 (N.S.) adopted 9-15-10)

4630 HEIGHT OF FENCES.

The height of fences shall be regulated by the Fencing and Landscaping Regulations commencing at Section 6700.

4631 HEIGHT OF GUARD RAILINGS.

The height of guard railings for safety protection around depressed ramps, openwork fences, hedges or landscape architectural features shall be regulated by the Setback Regulations at Section 4835.

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
a. Accessory storage buildings, work and hobby shops except: outdoor swimming pools, private garages, carports, stands, living units and other habitable space; must meet setback per Section 4842. The combined area of all structures projecting into the setback shall not exceed 1,000 sq. ft.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations.	Not permitted.	Permitted in agricultural, residential S87 and S92 use regulations 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, but may not cover more than 50 percent of required yard in combination with all detached accessory structures.
b. Outdoor swimming pools; If indoor or the only structure on a lot or building site, it must meet main building setbacks.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use.	Not permitted.	Permitted in agricultural, residential, S87 and S92 use regulations 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, but may not cover more than 50 percent of the required yard in combination with all detached accessory structures.

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.

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
g. Fences	Permitted in all zones if in conformance with Fencing and Landscaping Regulations commencing at Section 6700.				
h. Outdoor area lighting on poles.	Permitted in commercial and manufacturing/industrial zones only if in conformance with regulations at Section 6324.				
i. Roofed, open sided patios which are attached and part of main building or roofed, open sided patios which are detached, less than 12 feet in height and less than 1,000 square feet in area.	-----Not permitted.----- Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.				
j. Sidewalk arcades and similar architectural features of buildings containing principal commercial use types.	Permitted by Minor Use Permit. -----Not permitted.-----				

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
k. Uncovered, unenclosed balconies, extending above the level of first floor with exterior access of building.	-----	-----	Not permitted.	-----	-----
l. Uncovered, unenclosed porches, platforms or landing places not extending above level of first floor with exterior access of building and not more than 30 inches above grade.	-----	-----Permitted in all zones.	-----	Permitted in all zones but may not cover more than 50 percent of the required yard in combination with all detached accessory structures and must be set back from the rear lot line a distance equal to the required interior side yard.	
m. Cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, fireplaces and garden windows.	-----	-----	-----Permitted in all zones but may not extend more than 2 feet into yard.	-----	
n. Open unenclosed stairways, and fire escapes, not covered by a roof or canopy and open beneath.	Not permitted.	Permitted in all zones but may not extend or project more than 3 feet into the required yard.			

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
o. Bay and architectural windows provided floor area is not increased, not exceeding 24 square feet each in wall opening area, and with a sill height not less than 18 inches above finished floor.	Permitted in all zones but may not extend more than 2 feet into required yard.	Permitted if the required side yard is not less than 10 feet and may not extend more than 2 feet into required yard.	Permitted in all zones but may not extend more than 2 feet into required yard.		
p. Uncovered, unenclosed pedestrian access deck, bridge, ramp or walkway to the level of the floor closest to the street level.	-----	-----	Permitted on single-family lots on downhill side of street but may not project more than 3 feet into any required yard. Must be open beneath.	-----	-----
q. Guard railings for safety protection around depressed ramps, open-work fences, hedges, or landscape architectural features.	-----	-----	-----	Permitted in all zones but may not be more than 42 inches in height.	-----

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
r. Animal containments including pens, coops, aviaries, hutch, stables barns and corrals.	-----	-----	-----	-----	-----
s. Trees, shrubs, and flowers.	-----	-----	-----	-----	-----
	-----See Animal Regulations commencing at Section 3100-----				
	-----Permitted in all Zones -----				
(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)	(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)	(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)			
(Amended by Ord. No. 5933 (N.S.) adopted 11-19-80)	(Amended by Ord. No. 5933 (N.S.) adopted 11-19-80)	(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)			
(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)	(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)	(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)			
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)	(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)	(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)			
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)	(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)	(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)			
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)	(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)	(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)			
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)	(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)	(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)			
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)	(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)	(Amended by Ord. No. 10072 (N.S.) adopted 9-15-10)			
(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)	(Amended by Ord. No. 7432 (N.S.) adopted 1-06-88)				

- y. Family Day Care Home For Children, Large (9 to 14 children). A large family day care home for children is a permitted accessory use upon issuance of an Administrative Permit provided the following conditions are complied with:
1. No such large family day care home for children may be located closer than 500 feet from any other lot containing a large family day care home for children with an Administrative Permit approved by the County of San Diego. The 500-foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
 2. The plot plan for a family day care home for children shall show sufficient information to determine the following:
 - i. At least one on-site parking space will be available for any assistant provider or caregiver not a resident of the subject family day care home.
 - ii. Adequate provision will be made to reduce noise impacts on surrounding properties through measures or a combination of measures such as solid fencing six feet in height with or without landscaping around outside activity areas or location of an adequately sized outside activity area a suitable distance away from adjacent dwellings. Adequacy of outside activity areas shall be determined by considering the size of the area provided outside of the required sideyard setbacks and by considering the distance to noise sensitive receptors.
 - iii. There exists an adequate area on-site for temporary parking of a least two automobiles where children may be safely loaded and unloaded, or such area will be provided. This designated loading and unloading area shall remain free and clear of parked cars during hours of operation of the large family day care home.
 - iv. The large family day care home meets the standards and requirements established by the State Fire Marshall as enforced by the local fire authority having jurisdiction over the home.
 3. Owners of property within 300 feet of the exterior boundaries of the proposed large family day care home shall be notified by mail or delivery of the receipt of the application not less than 10 days prior to the date on which the decision will be made. Notwithstanding the Administrative Permit Procedures at Section 7060.d, no hearing is required unless requested by the applicant or other affected person.

The applicant or other affected person may appeal the decision as provided by the Administrative Appeal Procedure commencing at Section 7200. The appellant shall pay the cost, if any, of the appeal.

4. Every Administrative Permit approved pursuant to this section shall contain a condition that no sound amplification device be permitted in outdoor activity areas.
5. For large family day care homes served by on-site wastewater systems the Director of Environmental Health shall certify the adequacy of the on-site wastewater system for the proposed use.
6. No Administrative Permit shall be required for a large family day care home which qualifies for exemption under Section 1596.792 of the State Health and Safety Code.

z. Wind Turbine Systems, Small. A small wind turbine system, shall be permitted on a parcel of at least one acre and in compliance with the following conditions:

1. Setback. The system shall be set back from property lines and roads at least two times the height of the wind system (to the top of the blade in vertical position) and shall meet the applicable setback requirements of the zone. No part of the system, including guy wire anchors, shall extend closer than 30 feet to the property boundary. The system must also meet fire setback requirements.
2. Fencing. Public access to the wind turbines shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
3. Signs. Suitable warning signs containing a telephone number for emergency calls shall face all approaches to the system. Individual signs shall be between 5 and 16 square feet.
4. Noise. The wind turbine shall be operated in such manner that it does not exceed the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
5. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. Height of a small wind turbine system shall not exceed 60 feet.
6. Any non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver or modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

- aa. **Bed and Breakfast Home.** A bed and breakfast home is a permitted accessory use upon issuance of a Minor Use Permit provided the following conditions are complied with:
1. Located in a zone subject to the RR, A70, A72, S90 or S92 use regulations, or in a designated Historic District, or conducted within a structure which was constructed prior to 1936.
 2. A maximum of five bedrooms shall be made available for rent. A bed and breakfast home having more than five bedrooms available for rent may be approved if the home is designated a Historic Landmark in accordance with the Historic Landmark Designation procedure commencing at Section 7550.
 3. No bed and breakfast home shall be located on a lot closer than 500 feet from any other lot containing a bed and breakfast home. The 500 foot distance shall be measured in a straight line connecting the closest points on the lot lines and without regard for intervening structures.
 4. The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
 5. One off-street parking space for each room rented and each employee shall be provided in addition to the parking required for single-family occupancy.
 6. Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 7. Signs shall be limited to one on-premise sign not to exceed two square feet.
 8. An adequate water well and sewage disposal system are available, satisfactory to the County Department of Environmental Health for use by the proposed Bed and Breakfast establishment, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use are submitted by the applicant.
 9. The primary access to the Bed and Breakfast establishment shall be via a publicly maintained road.

- bb. **Host Home.** A host home is a permitted accessory use upon issuance of an Administrative Permit.
1. **Criteria.** An application for a host home permit shall meet all of the following criteria:
 - a) A maximum of two bedrooms may be made available for rent.
 - b) The owner or lessee of the property shall operate the facility and reside in the home or other legal residence on the property. If the owner or lessee resides in a residence separate from the facility, instructions on how to contact the owner/lessee after hours for emergencies shall be posted in each room.
 - c) One off-street parking space for each room rented shall be provided in addition to the parking required for single-family occupancy.
 - d) Service shall be limited to the rental of rooms and the provision of breakfast for overnight guests. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - e) Signs shall be limited to one on-premise sign not to exceed two square feet.
 - f) An adequate water well and sewage disposal system satisfactory to the County Department of Environmental Health shall be available, or letters from the appropriate water and sewer agencies indicating there is sufficient water supply and sewage treatment capacity for the proposed use shall be submitted by the applicant.
 - g) The primary access to the host home shall be via a publicly maintained road.
 2. **Affidavit Required.** On a form provided by the Director, the owner shall file an affidavit agreeing to the conditions a. through g. above. The affidavit shall include provisions stating that 1) the owner consents to inspection of the premises by the Code Enforcement Officer in order to verify compliance with said conditions, and 2) that the owner shall furnish a new affidavit to said Enforcement Officer upon request.

(Amended by Ord. No. 8050 (N.S.) adopted 4-8-92)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8086 (N.S.) adopted 6-16-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 8271 (N.S.) adopted 6-30-93)
(Amended by Ord. No. 8409 (N.S.) adopted 6-1-94)
(Amended by Ord. No. 8502 (N.S.) adopted 3-1-95)
(Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
(Amended by Ord. No. 8599 (N.S.) adopted 10-11-95)
(Amended by Ord. No. 8698 (N.S.) adopted 7-17-96)
(Amended by Ord. No. 8805 (N.S.) adopted 6-4-97)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
(Amended by Ord. No. 9156 (N.S.) adopted 6-14-00)
(Amended by Ord. No. 9377 (N.S.) adopted 8-8-01)
(Amended by Ord. No. 9470 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9569 (N.S.) adopted 7-9-03)
(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9982 (N.S.) adopted 4-22-09)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

6158 CIVIC, COMMERCIAL, INDUSTRIAL, OR EXTRACTIVE USE TYPES.

Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where the principal civic, commercial, industrial or extractive uses are permitted. As provided for in Section 6152, the Director shall determine whether proposed accessory uses and structures conform to the Accessory Use Regulations, and said determinations are subject to appeal pursuant to the Administrative Appeal Procedure commencing at Section 7200.

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Civic, Commercial, Industrial, or Extractive Use Types are permitted:

a. Outdoor Café Seating and Sidewalk Cafés.

1. Outdoor Café Seating. Outdoor café seating accessory to the Eating and Drinking Establishments use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36, M50 and M52 use regulations, and outdoor café seating accessory to the Food and Beverage Retail Sales use type is permitted in the Fallbrook Village Regulations, C32, C34, C35, C36 and M50 use regulations, subject to the following conditions:

- i. The outdoor seating area shall be limited in size as follows:

- (a) In Eating and Drinking Establishments to no more than 200 square feet or 25 percent of the establishment's indoor floor area, whichever is greater.
 - (b) In Food and Beverage Retail Sales uses (e.g., bakeries, markets, etc.) to no more than 25 percent of the establishment's indoor floor area or 1000 square feet, whichever is less. However, any such Food and Beverage Retail Sales use that otherwise qualifies under Section 6158 a.1. may have an outdoor seating area of 200 square feet.

- g. Temporary uses pursuant to Section 6118.
- h. Housing as an accessory use in a County Park or parks operated by a Community Services District or other public agency.

The above mentioned trailer coaches shall comply with the provisions of Chapter 2, of Division 6, Title 5, of the County Code of Regulatory Ordinances relating to trailer coaches.

(Added by Ord. No. 6082 (N.S.) adopted 6-10-81)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6950

6950 WIND TURBINE SYSTEM, MEDIUM.

A medium wind turbine system, shall be permitted on a parcel of at least one acre and require an Administrative Permit approved in accordance with the Administrative Permit Procedure commencing at Section 7050 and the following requirements:

- a. The following findings must be made prior to approval of an Administrative Permit:
 1. 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
 2. That the impacts, as described in paragraph "a.1" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
 3. That the requirements of the California Environmental Quality Act have been complied with.
- b. Notification. Notification shall be in accordance with paragraph c of Section 7060.
- c. Setback. The wind turbines shall be set back from property lines and roads at least three times the height of the wind turbine (to the top of blade in vertical position) and shall meet the applicable setback requirements of the zone. The system must also meet fire setback requirements.
- d. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- e. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- f. Review. Review shall include an assessment of the impact on adjacent property with regard to:
 1. Location of installation in its relation to topographic features which would constitute an unusual safety hazard.

2. Sensitivity of adjacent uses to noise and electrical interference and visual impact.
- g. Noise. The system shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
- h. Height. For the purpose of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 60 feet.
- i. It shall be a condition of the permit that non-operational wind turbines shall be removed within 12 months after becoming non-operational.

Any waiver of modification of the above requirements shall be allowed only in accordance with the Variance Procedure commencing at Section 7100.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)

(Amended by Ord. No. 7117 (N.S.) adopted 4-23-86)

(Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)

(Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

6951 WIND TURBINE SYSTEM, LARGE.

Large wind turbine systems, shall be permitted on a parcel of at least five acres and considered a Major Impact Services and Utilities use type requiring a major use permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and the following requirements:

- a. Setbacks. The wind turbines shall observe the following setbacks measured from the closest point on the base or support structure. For purposes of calculating setbacks, height of the wind turbines shall mean the distance from ground to the top of blade in vertical position:
 1. From property lines or public road setback 4 times the height.
 2. From all existing residences or buildings occupied by civic use types setback 8 times the height.
 3. From the furthestmost property line of adjacent parcels which are vacant setback 9 times the total height.
 4. Setbacks for experimental wind turbines (those which are not produced by an established wind turbine manufacturer on a production basis) may be greater than those specified above based on the discretion of the permit granting authority.
 5. Setbacks may be reduced up to a maximum of 50% with the written consent to the granting of a setback reduction signed by the owner or owners of each lot or parcel affected by the proposed setback reduction.

- b. Fencing. Public access shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable methods.
- c. Signs. Suitable warning signs containing a telephone number and an address for emergency calls and informational inquiries shall face all approaches to the project. Individual signs shall be between 5 and 16 square feet.
- d. Noise. The project shall meet the sound level limits of Title 3, Division 6, Chapter 4 of the San Diego County Code (Noise Abatement and Control).
- e. Height. For the purposes of calculating height, the height of the wind turbines shall mean the distance from ground to the top of the blade in vertical position. The system shall not exceed 80 feet.
- f. Visual. The following measures should be followed whenever possible in order to minimize the visual impact of the project:
 - 1. Removal of existing vegetation should be minimized.
 - 2. Internal roads should be graded for minimal size and disruption.
 - 3. Any accessory buildings should be painted or otherwise visually treated to blend with the surroundings.
 - 4. The turbines and towers should be painted with non-reflective paint to blend with the surroundings.
- g. Turbine Description. The following information shall be specified as part of the permit:
 - 1. The wind turbine manufacturer, model, power rating and blade dimensions.
 - 2. The tower manufacturer and model.
- h. Non-Operational Wind Turbines. It shall be a condition of the permit that non-operational wind turbines shall be removed:
 - 1. The project owner shall insure that a copy of all prospectuses shall be placed in the County's permit file.
 - 2. County staff may, at any time in the future, compare the amount of power stated (in kilowatt hours) in the appropriate prospectus with the actual power sold to the utility (as reported in the California Energy Commissions' "Wind Project Performance Reporting System") and determine if any wind turbine systems meet the definition for "wind turbine non-operational."
 - 3. County staff may collect other data as necessary to determine if any wind turbine systems meet the definition for "wind turbine non-operational."

4. Applicant may propose alternate methods to monitor the "non-operational" status of wind turbines.
- i. Removal Surety. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director of Planning and Land Use, sufficient to allow for the removal of non-operational wind turbines. If a bond surety is provided, such bond shall comply with Section 7612, and shall be for a minimum of 10 years (unless the permit is for a shorter period of time). Posting of bond(s) and/or other surety may be phased with the installation of wind turbines.
- j. Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation. Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are major use permits shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)
 (Amended by Ord. No. 9596 (N.S.) adopted 9-17-03)
 (Amended by Ord. No. 9676 (N.S.) adopted 9-22-04)
 (Amended by Ord. No. 10073 (N.S.) adopted 9-15-10)

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.

(Added by Ord. No. 10072 (N.S.), adopted 9-15-10)

6960 NUDIST FACILITIES.

All nudist facilities and the conversion of any use or structure to a nudist facility, shall require the application, and granting of a Major Use Permit for the entire facility. In addition, such nudist facilities shall be located and screened in such a manner that no nude person can be seen from outside the facility's boundaries.

(Added by Ord. No. 7106 (N.S.) adopted 3-19-86)

