

## WORKING DRAFT

ORDINANCE NO. \_\_\_\_\_ (NEW SERIES)

### AN ORDINANCE AMENDING THE ZONING ORDINANCE CREATING A TRANSFER OF DEVELOPMENT RIGHTS SPECIAL AREA DESIGNATOR

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

**Section 1.** The Board of Supervisors declares that the intent of this ordinance is to update the Zoning Ordinance by making the following amendments to create a transfer of development rights special area designator. The Board finds that these amendments are reasonable and necessary for the public health, safety, and welfare and are consistent with the General Plan.

**Section 2.** Section 5025 of the San Diego County Zoning Ordinance is amended to read as follows:

5025 LISTINGS OF DESIGNATORS.  
The following shall be used as appropriate.

<u>Designator</u>	<u>Special Area Designator</u>	<u>(See Section)</u>
A	Agricultural Preserve	5100-5110
B	Community Design Review Area	5750-5799
D	Design Review	5900-5910
E	Fault Displacement	5400-5406
F	Flood Plain	5500-5522
G	Sensitive Resource	5300-5349
H	Historic/Archaeological Landmark or District	5700-5747
J	Specific Historic District	5749
P	Planned Development	5800-5806
R	Coastal Resource Protection Area	5950-5957
S	Scenic	5200-5212
T	Unsewered Area	5960-5964
V	Vernal Pool Area	5850-5856

## Attachment C

W	Flood Channel	5450-5472
X	Transfer of Development Rights	XXXX-XXXX

**Section 3.** Sections 5XXX through 5XXX, inclusive, are added to the San Diego County Zoning Ordinance to read as follows:

### TRANSFER OF DEVELOPMENT RIGHTS AREA REGULATIONS

#### 5XXX TITLE AND PURPOSE.

The provisions of Sections 5XXX through 5XXX, inclusive, shall be known as the Transfer of Development Rights or TDR Area Regulations. The purpose of these regulations is to provide a framework within the Zoning Ordinance to accommodate the transfer of development rights. The TDR Area Regulations are not intended as the sole mechanism for implementation of development rights transfers in the County of San Diego. Other options exist for implementation of TDR programs and these regulations provide one possible avenue within the framework of the Zoning Ordinance.

Possible application of the TDR Area Regulations include, but are not limited to:

- (a) preserve open space, scenic views, critical and sensitive areas, and natural hazard areas;
- (b) conserve agriculture and forestry uses of land;
- (c) protect lands and structures of aesthetic, architectural, and historic significance;
- (d) retain open areas in which healthful outdoor recreation can occur; and
- (e) implement the San Diego County General Plan.

#### 5XXX APPLICATION OF TRANSFER OF DEVELOPMENT RIGHTS DESIGNATOR

The Transfer of Development Rights Area designator shall be applied in accordance with the stated purpose of the TDR regulations at Section 5XXX. The ordinance applying said designator to particular property shall contain a statement of the objective(s) sought to be achieved, a description of the rights that the designator provides to affected properties, and the process for transferring or receiving such rights. The Transfer of Development Rights Area designator may be used for properties that may sell certain development rights (referred to as sending sites) and those that may receive development rights (referred to as receiving sites). The specific allowances for a particular property shall be specified by the ordinance applying the designator.

#### 5XXX LIMITATIONS ON TRANSFERS OF DEVELOPMENT RIGHTS

Any transfer of development rights pursuant to this ordinance authorizes density transfers consistent with the general plan. The general plan maximum densities shall not be exceeded.