

City of Hesperia Municipal Code

16.16.063 - Alternative energy technology standards.

- A. Windmills, as defined by Section 16.08.890, shall be permitted in accordance with Section 16.16.064 and subject to the provisions as provided herein.
1. The structure and all appurtenant equipment for all tower-mounted windmills shall be located behind the primary building, not within the front or street side yard, and a minimum setback of equivalent to the overall structure height from the side and rear property lines. Guy wires may encroach into the minimum setbacks, but shall not encroach over property lines.
 - a. Windmill(s) may be located up to twenty-five (25) percent closer to the front property line than the primary building when the primary building is located within the rear twenty-five (25) percent of the lot if approved under a minor exception application pursuant to Article VI of Chapter 16.12.
 - b. To allow the setback reduction above, it shall be demonstrated that the windmill(s) meet the minimum noise requirements within Section 16.16.063(A)(3) and under no circumstances shall a windmill be located within the minimum front yard setback or a recorded building setback line.
 2. The structure may need to be farther from the property lines based upon the required specifications regarding noise identified in Section 16.16.063(A)(3).
 3. Specifications on the noise produced by the windmill shall be submitted for windmills within all zone districts, identifying the distance from the structure to the property line to meet the city's noise ordinance. The setback shall be increased should the manufacturers' specifications evidence that the windmill would exceed the evening noise standard at any property line.
 4. Tower-mounted windmills shall not exceed the height limitation of the zone district in conjunction with the special height increases of Section 16.20.060 except for developed properties in residential and agricultural designations as defined below. The height shall be measured to the top of the blades or rotors or any other portion of the windmill, which extends farthest above ground level. The blades and rotors of the windmill shall be a minimum of fifteen (15) feet above ground level at the lowest point to ensure the safety of persons and property beneath.
 - a. The height of windmills on lots less than ninety thousand (90,000) square feet in net area may be equivalent to one-half the lot width.
 - b. Windmills on lots ninety thousand (90,000) square feet or larger in net area may be up to eighty (80) feet in height.
 - c. Windmills on lots exceeding 2.5 gross acres and less than five gross acres in size may be up to one hundred (100) feet in height.
 - d. Windmills on lots five gross acres or larger in area may be up to one hundred twenty (120) feet in height.
 - e. Approval of additional height beyond the limits described in Section 16.063(A)(4) shall require approval of a variance.
 5. Multiple tower-mounted windmills are allowed subject to compliance with the minimum setback and accessory structure lot coverage limitations as well as in conformance with the noise ordinance. The area of a windmill is defined as the circular area measured horizontally at the farthest spread of the rotors/blades of the windmill from the pole in determining accessory structure lot coverage.
 6. Roof-mounted windmills shall not exceed fifty (50) feet or the height regulation of the zone district, whichever is greater. Approval of a minor exception is needed to exceed the height restriction by up to ten percent and approval of a variance shall be required to exceed the

allowed height beyond ten percent. Roof-mounted windmills do not qualify for the special height increases of Section 16.20.060. The height shall be measured from the ground to the top of the blade/rotor or any other portion of the windmill.

7. Specifications on the noise produced by the windmill shall be submitted pursuant to Section 16.16.063(A)(3), identifying the distance from the structure to the property line necessary to meet the city's noise ordinance. The windmill shall be located so that it does not exceed the evening noise standard at any property line.
8. All windmills shall be a light gray, white, or other city-approved non-reflective color to minimize visual disruption of the area. Use of conspicuous colors is prohibited. Windmills shall not contain signs or be illuminated, unless required by state or federal law.
9. Nothing in this development code amendment shall be construed to affect the structural requirements for any windmill, as enforced by the building and safety division. All windmills shall require issuance of a building permit prior to installation.
10. All mechanical equipment associated with the windmill located outdoors shall be secured by a minimum five-foot high fence to prevent unauthorized access. Ladders or step bolts on the side of towers shall be a minimum of nine feet above ground level or shall be equipped with an approved method to prevent unauthorized access.
11. Windmills shall be equipped with manual and automatic controls to limit the operational speed of the blades/rotor to the design limits of the windmill. An automatic braking, governing or feathering system shall also be provided to prevent uncontrolled rotation.
12. No windmill shall cause any electromagnetic interference.
13. Windmills shall be kept in good working order and shall be maintained in an aesthetic state. All windmills which are in a nonoperational state for one hundred eighty (180) consecutive days or more shall be considered abandoned and shall be dismantled and removed from the property at the owner's expense.
14. Wind farms shall be allowed in, institutional and industrial designations or districts with approval of a conditional use permit.
 - a. Wind farms shall not be permitted within six hundred sixty (660) feet of a railway spur, any interstate, highway, or major arterial, arterial, or Secondary Arterial roadway; or any agricultural or residentially designated property.
 - A. In addition to those items required to be submitted with an application for a conditional use permit as provided in the code, the applicant shall submit the following with its application:
 1. A proposed service plan for the city and sphere area to justify the location, design and height of any proposed facility;
 2. Prior to issuance of a building permit, the applicant shall obtain all necessary approvals for the facility from Southern California Edison, the California Public Utilities Commission, or other governmental agency having jurisdiction over the facility and that the proposal is consistent with such approvals;
 3. A statement of the term during which the facility will be put to use and a bond or irrevocable letter of credit in an amount to cover the reasonable cost of removing the facility in the event of abandonment. Such bond or irrevocable letter of credit shall be made payable to the city upon demand in the event of abandonment and shall not expire before the end of the term during which the facility is to be used.
 - B. In the event a facility is abandoned, the holder of the conditional use permit for the facility shall remove the facility at its sole cost and expense. A facility shall be considered abandoned if it ceases to be used as allowed in the conditional use permit for more than one hundred eighty (180) consecutive days.

- B. Solar systems which exceed fifteen (15) percent of the lot area shall not be considered an accessory use and shall be defined as a solar farm. Roof-mounted solar systems may cover the entire roof of the primary dwelling unit, excluding the area of the roof needed for fire accessibility. Solar farms shall only be allowed on nonresidential and nonagricultural designated properties with approval of a conditional use permit by the planning commission. Solar farms shall not be permitted within six hundred sixty (660) feet of a railway spur, any interstate, highway, or major arterial, arterial, or secondary arterial roadway; or any agricultural or residentially designated property.
1. In addition to those items required to be submitted with an application for a conditional use permit as provided in the code, the applicant shall submit the following with its application:
 - a. A proposed service plan for the city and sphere area to justify the location, design and height of any proposed facility;
 - b. Prior to issuance of a building permit, the applicant shall obtain all necessary approvals for the facility from Southern California Edison, the California Public Utilities Commission, or other governmental agency having jurisdiction over the facility and that the proposal is consistent with such approvals;
 - c. A statement of the term during which the facility will be put to use and a bond or irrevocable letter of credit in an amount to cover the reasonable cost of removing the facility in the event of abandonment. Such bond or irrevocable letter of credit shall be made payable to the city upon demand in the event of abandonment and shall not expire before the end of the term during which the facility is to be used.
 - d. A decorative screening fence or wall shall be installed along the perimeter of the solar farm. The type and height of the fencing shall be subject to review and approval.
 2. In the event a facility is abandoned, the holder of the conditional use permit for the facility shall remove the facility at its sole cost and expense. A facility shall be considered abandoned if it ceases to be used as allowed in the conditional use permit for more than one hundred eighty (180) consecutive days.

(Ord. No. 2009-12, § 3, 2-16-10; Ord. No. 2011-08, § 3(Exh.A), 8-2-11; Ord. No. 2012-07, § 3(Exh. A), 6-19-12)