

DUNES CITY ZONING ORDINANCE:  
SOLAR ACCESS PROTECTION ADDITIONS

ORDINANCE NO. 90

An Ordinance of Dunes City amending Ordinance No. 50, Dunes City Zoning Ordinance, providing for building setbacks for the protection of solar access and providing for the provision and protection of solar access in planned unit developments.

Section 6: GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS--(I) is amended by the addition of the following:

**H. Solar Setback Requirements**

New structures or enlargements of existing structures shall comply with the following solar setback requirements.

1. **South Wall Protection Standard.** No new structure or addition shall cast a shadow upon adjacent lots that is longer than that cast by an 8 foot high fence located on the north property line at solar noon on December 21st. The solar setback shall not exceed one-half the distance between the north and south property lines. If the solar setback is not feasible due to waiver provisions listed in (3) below, then the structure shall meet the standard set in (2) below.
2. **South Roof Protection Standard.** No new structure or addition shall cast a shadow upon adjacent lots that is longer than that cast by a 16 high foot solar fence located on the north property line at solar noon on December 21st. The solar setback shall not exceed one-half the distance between the north and south property lines. If the solar setback is not feasible due to the waiver provisions listed in (3) below, then the structure shall be located as far south as is feasible.
3. **Waiver of Solar Setback.** The governing body or its designated agent may partially or completely waive the solar setback for any structure or addition whose shade will affect a protected area which is already substantially shaded by other sources, or whose lot contains substantial physical constraints, including but not limited to northfacing slopes greater than 15 degrees, septic tanks, lot dimensions, waterways, and existing legal restrictions.

Section 7: SPECIAL DEVELOPMENT STANDARDS--(I)--(B) is amended by the addition of the following:

16. **Solar Setback Requirements:** No mobile home, travel trailer or accessory thereto taller than 12 feet shall cast a shadow upon neighboring lots that is longer than that cast by an 8 foot fence located on the north park or site boundary line at noon on December 21. If not feasible due to physical constraints of the lot, including but not limited to septic systems, existing legal

restrictions or lot dimensions, then the structure shall not cast a shadow upon adjacent lots longer than that cast by a 16 foot high fence located on the north park or site boundary line. The solar setback standard shall not apply if the applicant establishes that it is not feasible due to physical constraints of the local including but not limited to northfacing slopes exceeding 15 degrees, septic tanks, lot dimensions, waterways and existing legal restrictions.

Section 8: PLANNED UNIT DEVELOPMENTS--(II)--Objectives is amended by the addition of the following:

- L. To provide and protect solar access for the maximum number of structures.

Section 8; PLANNED UNIT DEVELOPMENTS--(V)--Approval Criteria is amended by the addition of the following:

- G. That the location, design, size, and uses will provide the maximum solar access to southfacing building walls and rooftops at noon on December 21st. Application of this standard shall include but not be limited to: the placement and orientation of streets, blocks and lots; the location and orientation of structures; and the type and location of trees to be planted.

Section 8: PLANNED UNIT DEVELOPMENTS--(XVIII)--Application is amended by the addition of the following:

- (9) A preliminary identification of lots which will possess solar access and trees which will shade lots.

Section 8: PLANNED UNIT DEVELOPMENTS--(XXI)--Application is amended by the addition of the following:

- (8) Detailed solar access plan.

Section 9: PROCEDURES AND CRITERIA--(XII)--(C)--is amended by the addition of the following:

- 13. That the location, design and size of the uses do not violate the solar setback requirements.

Section 11: DEFINITIONS is amended by the addition of the following:

SHADE - A lot or building is deemed shaded if a structure blocks the direct solar radiation that would otherwise reach its surface during the protected period, excluding such insubstantial shadows as those caused by utility poles, wires, flagpoles, and slender antennas.

SOLAR ACCESS - An unobstructed exposure to available solar radiation during daytime hours for the purpose of allowing solar radiation to be used to meet a portion of a building's energy requirements.

SOLAR ACCESS PLAN - A copy of the final plan which identifies those lots which will possess solar access and new and existing trees which will shade lots.

**SOLAR SETBACK** - The minimum distance that the highest shadow casting point of the structure shall be setback from the northern lot line.

The Council having declared an emergency does hereby enact this ordinance immediately.

Passed by the City Council of Dunes City, Lane County, Oregon, this 13th day of December, 1984, by the following vote:

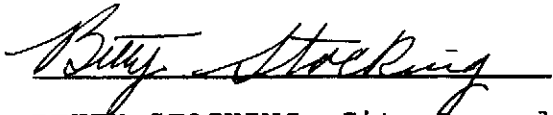
Aye 5 Naye 0 Absent 2

APPROVED BY THE MAYOR THIS 13th  
DAY OF DECEMBER, 1984.



ROBERT PETERSDORF, Mayor  
Dunes City, Oregon

ATTEST:



BETTY STOCKING, City Recorder