

# Solar Siting Ordinances

- Clackamas (Oregon), County of. 2011. *Zoning and Development Ordinance*. Section 1017. Solar Access Ordinance for New Development.
- Dixon (California), City of. 2011. *Zoning Ordinance*. Section 12.19.21. Single Family Residential and Secondary Living Units Design Standards. Section 12.27. Energy and Water Conservation Regulations.
- Laramie (Wyoming), City of. 2011. *Unified Development Code*. Chapter 15.14, Development Standards; Section 15.14.030.A, Solar Energy; Part 3, Solar Oriented Lots. Chapter 15.28, Definitions.
- Oakridge (Oregon), City of. 2011. *Zoning Code*. Article 15, Subdistricts; Section 15.04(8), Planned Unit Development Subdistrict.
- San Luis Obispo (California), City of. 2011. *Municipal Code*. Title 16. Subdivisions; Chapter 16.18, General Subdivision Design Standards; Section 16.18.160, Energy Conservation. Seattle, Wash.: Code Publishing Company, Inc.
- Santa Clara (California), County of. 2011. *County Code*. Division C12, Subdivisions and Land Development; Article IV, Requirements; Part 9, Solar Access for Subdivision Development. Tallahassee, Fla.: Municipal Code Corporation.

1017 SOLAR ACCESS ORDINANCE FOR NEW DEVELOPMENT (3/24/05)

1017.01 PURPOSE

The purposes of the solar access ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

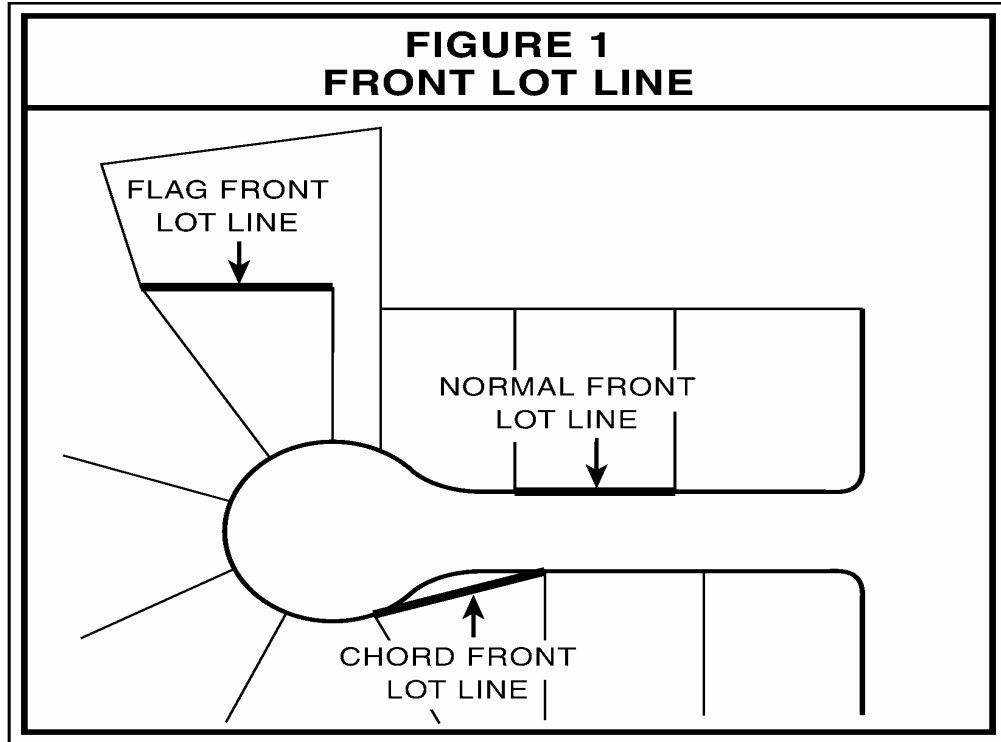
1017.02 APPLICATION OF SECTION (3/24/05)

The solar design standard in Subsection 1017.04 shall apply to applications for a development to create lots in VR-4/5, VR-5/7, R-5, R-7, R-8.5, R-10, R-15, R-20, and R-30 zones and for dwellings in any zone, except to the extent the Planning Director finds the applicant has shown that one or more of the conditions listed in Subsections 1017.05 and 1017.06 exist, and exemptions or adjustments provided for therein are warranted. (3/24/05)

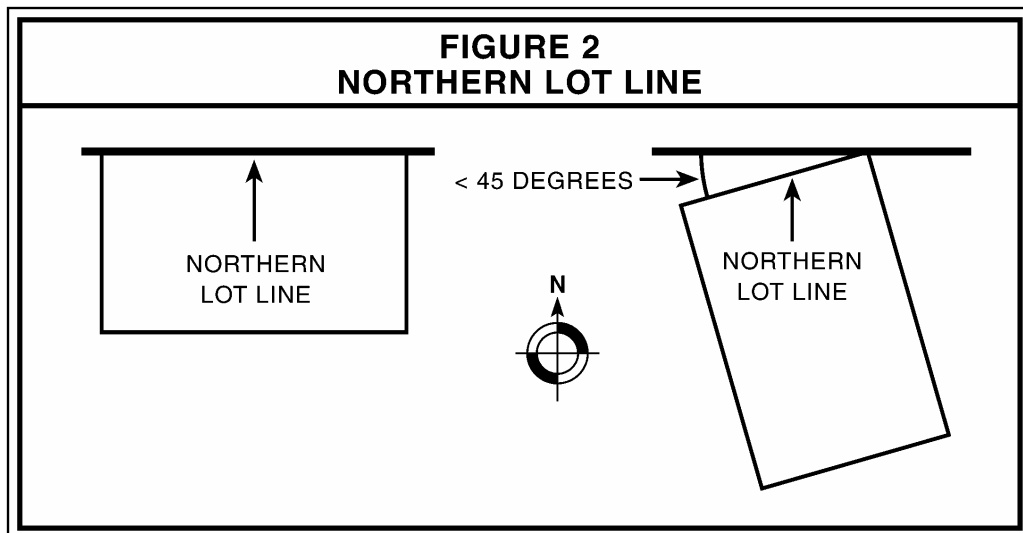
1017.03 DEFINITIONS

Words and terms used in Sections 1017, 1018, and 1019 are defined as follows:

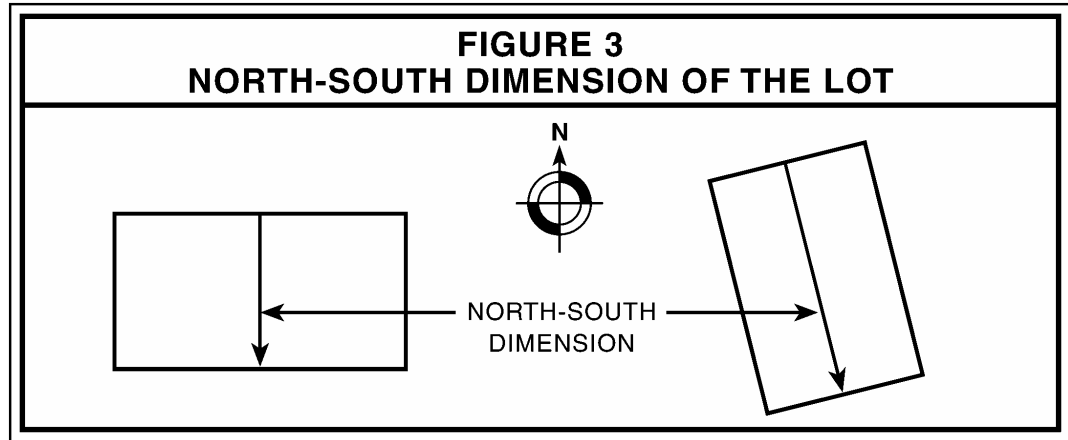
- A. CROWN COVER: The area within the drip line or perimeter of the foliage of a tree.
- B. DEVELOPMENT: Any short plat, partition, subdivision, or planned unit development created under the County's land division or zoning regulations.
- C. EXEMPT TREE OR VEGETATION: The full height and breadth of vegetation that the Planning Director has identified as "solar friendly"; and any vegetation listed as exempt on a plat map, a document recorded with the plat, or a solar access permit.
- D. FRONT LOT LINE: For the purposes of the solar access regulations, a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).



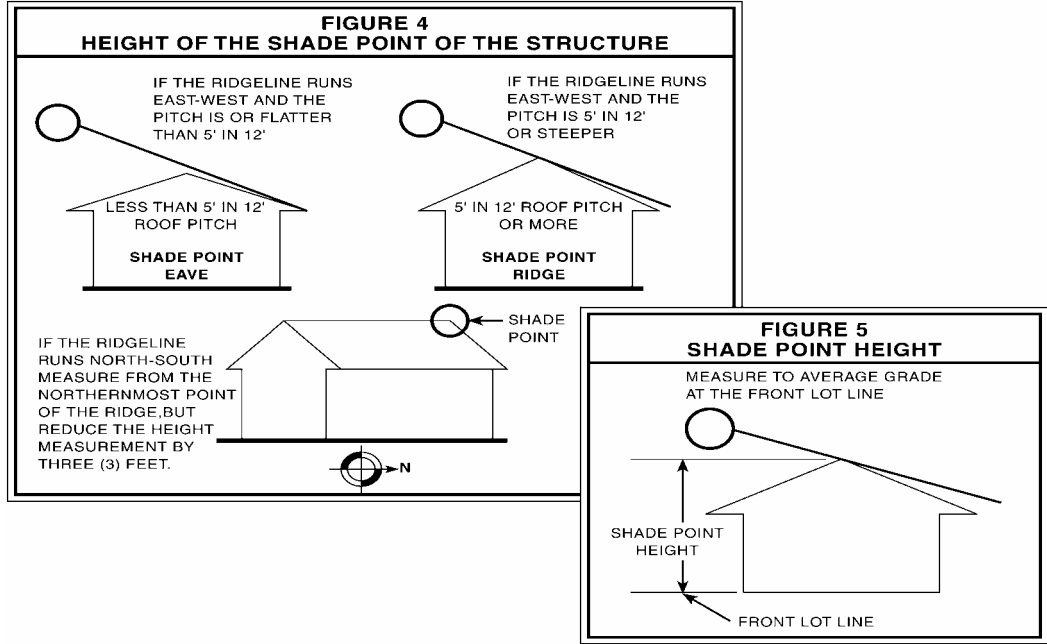
- E. NONEXEMPT TREE OR VEGETATION: Vegetation that is not exempt.
- F. NORTHERN LOT LINE: The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line.



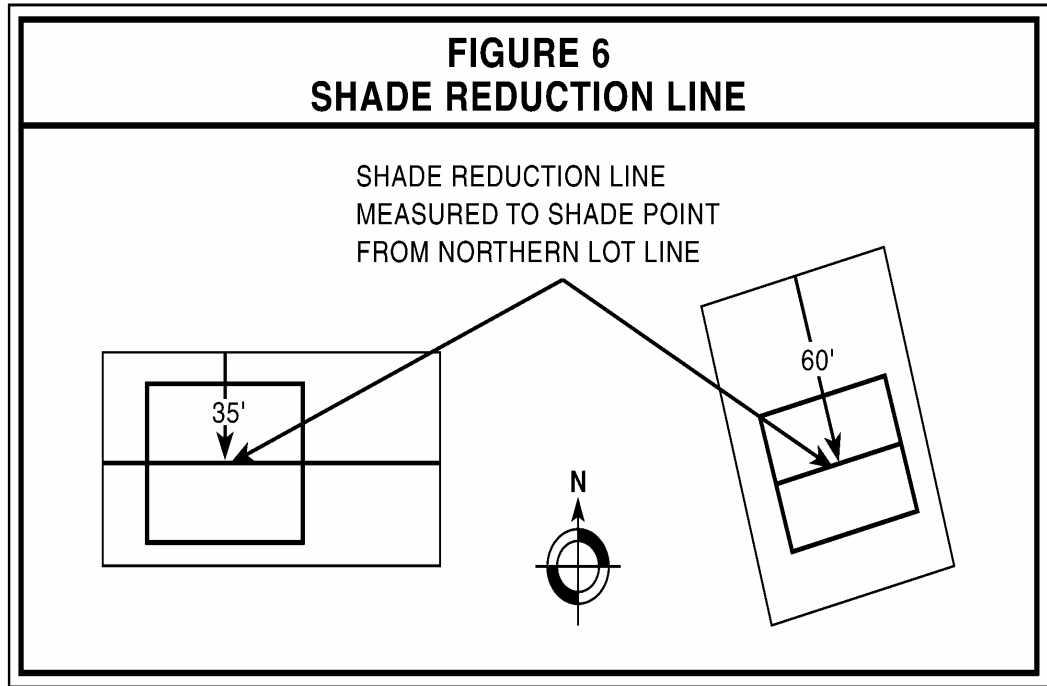
- G. **NORTH-SOUTH DIMENSION:** The length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).



- H. **PROTECTED SOLAR BUILDING LINE:** A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or nonexempt trees (see Figure 10).
- I. **SHADE:** A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.
- J. **SHADE POINT:** The part of a structure or nonexempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south, except a shadow cause by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole, or wire. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal), the shade point will be the eaves of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

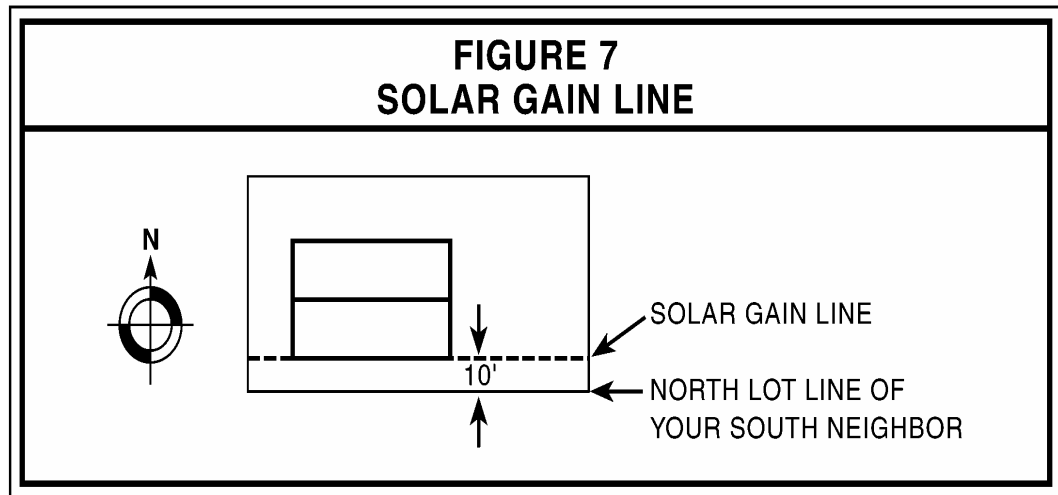


K. SHADE REDUCTION LINE: A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).



L. SHADOW PATTERN: A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

- M. **SOLAR ACCESS HEIGHT LIMIT:** A series of contour lines establishing the maximum permitted height for nonexempt vegetation on lots affected by a Solar Access Permit (see Figure 11).
- N. **SOLAR ACCESS PERMIT:** A document issued by the County that describes the maximum height that nonexempt vegetation is allowed to grow on lots to which a solar access permit applies.
- O. **SOLAR FEATURE:** A device or combination of devices or elements that use or will use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity. Examples of a solar feature include a solar greenhouse, a solar hot water heater, or a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use solar energy is not a solar feature for purposes of this ordinance.
- P. **SOLAR GAIN LINE:** A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot, including lots separated only by a street, that intersects the solar feature on that lot.



- Q. **SOUTH OR SOUTH-FACING:** True south, or 20 degrees east of magnetic south.
- R. **SUNCHART:** One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director (?). The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30-minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

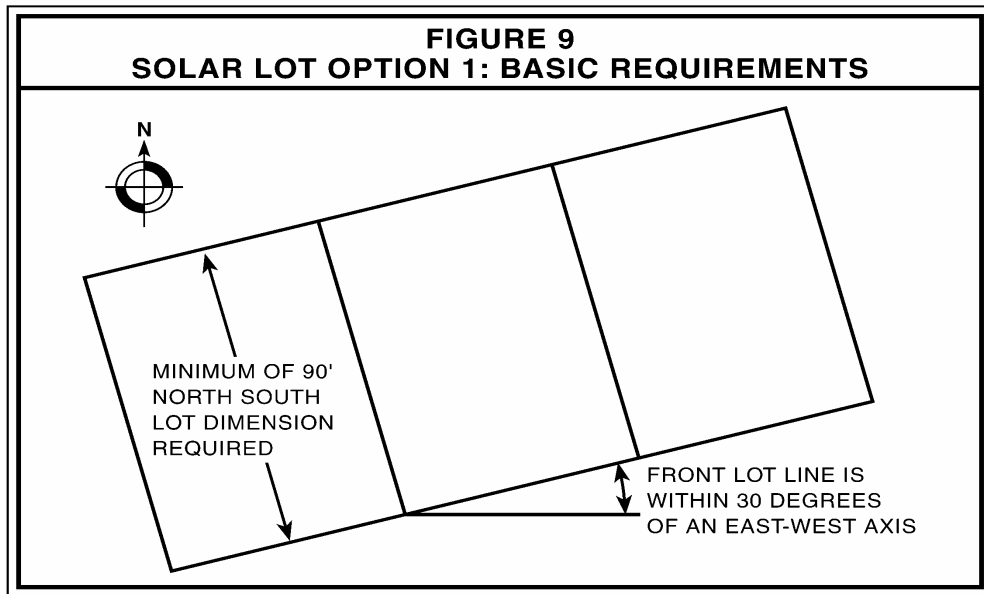
- S. UNDEVELOPABLE AREA: An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

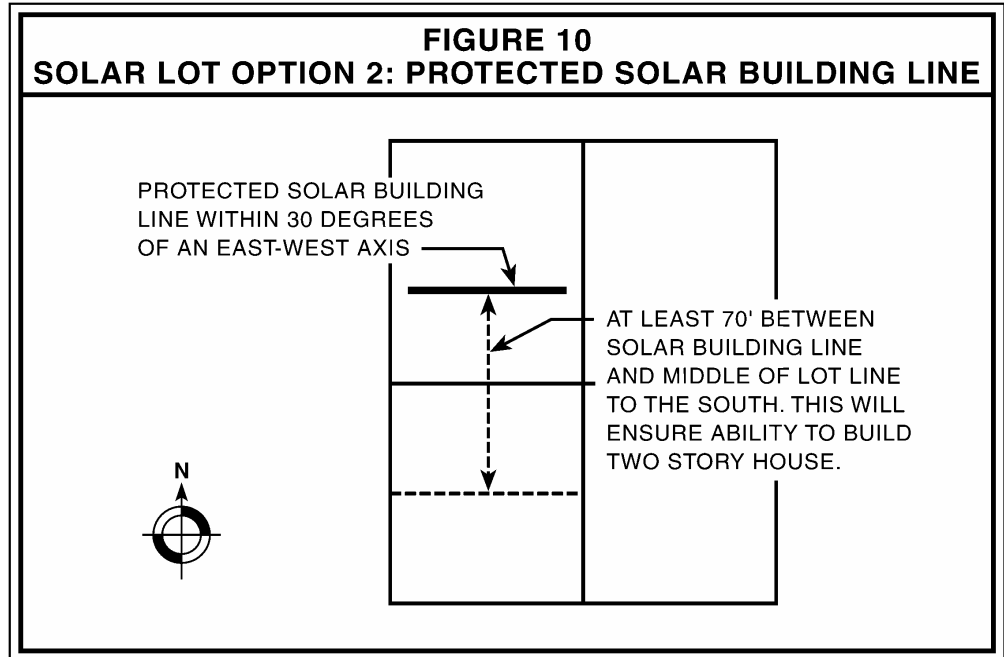
1017.04 DESIGN STANDARD

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this subsection.

A. Basic Requirement: (See Figure 9). A lot complies with Subsection 1017.04 if it

1. Has a north-south dimension of 90 feet or more; and





2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.
- B. Protected Solar Building Line Option: (See Figure 10). In the alternative, a lot complies with Subsection 1017.04 if a solar building line is used to protect solar access as follows:
1. A protected solar building line for the lot to the north is designated on the plat or documents recorded with the plat; and
  2. The protected solar building line for the lot to the north is oriented within 30 degrees of a true east-west axis; and
  3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line; and
  4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or nonexempt vegetation.
- C. Performance Option: In the alternative, a lot complies with Subsection 1017.04 if:
1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from the shade of structures and nonexempt trees; or



2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area facing within 30 degrees of south and protected from the shade of structures and nonexempt trees.

#### 1017.05 EXEMPTIONS FROM DESIGN STANDARD

A development is exempt from Subsection 1017.04 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 1017.04 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site.

If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 1017.04.

- A. Slopes: The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.
- B. Off-site Shade: The site, or a portion of the site for which the exemption is sought, is within the shadow of off-site features such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.
  1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
  2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
  3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
  4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

- C. On-site Shade: The site, or a portion of the site for which the exemption is requested:
1. Is within the shadow pattern of on-site features such as, but not limited to, structures and topography which will remain after the development occurs; or
  2. Contains nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant to comply with this requirement. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.
  3. Compliance with Subsection 1017.04 would prevent the development from meeting the minimum density provisions in Section 1012. (11/5/98)

1017.06 ADJUSTMENT TO DESIGN STANDARD

The Planning Director shall reduce the percentage of lots that must comply with Subsection 1017.04 to the minimum extent necessary if he/she finds the applicant has shown that one or more of the following site characteristics apply:

- A. Density and Cost: If the design standard in Subsection 1017.04 is applied, either the resulting density is less than that proposed, the minimum density is less than that required in Section 1012, or on-site site development costs (e.g., grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Subsection 1017.04 would reduce density or increase per-lot costs in this manner. The applicant shall show which, if any, of these or other similar site characteristics apply in an application for a development. (11/5/98)
1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor.
  2. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.

3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
  4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
- B. Development Amenities: If the design standard in Subsection 1017.04 is applied to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Subsection 1017.04 is relevant to whether a significant development amenity is lost or impaired.
- C. Existing Shade: Nonexempt trees at least 30 feet tall and, when measured 4 feet above the ground, more than 6 inches in diameter, have a crown cover over at least 80 percent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of nonexempt trees on the site or using an aerial photograph.
1. Shade from nonexempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and the trees do not need to be removed for a driveway or other development.
  2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, the shade is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

#### 1017.07 PROTECTION FROM FUTURE SHADE

Structures and nonexempt vegetation must comply with the Solar Balance Point Ordinance for existing lots (Section 1018) if located on a lot that is subject to the solar design standard in Subsection 1017.04 or if located on a lot south of and adjoining a lot that complies with Subsection 1017.04.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 1017.07. The County shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written County approval.

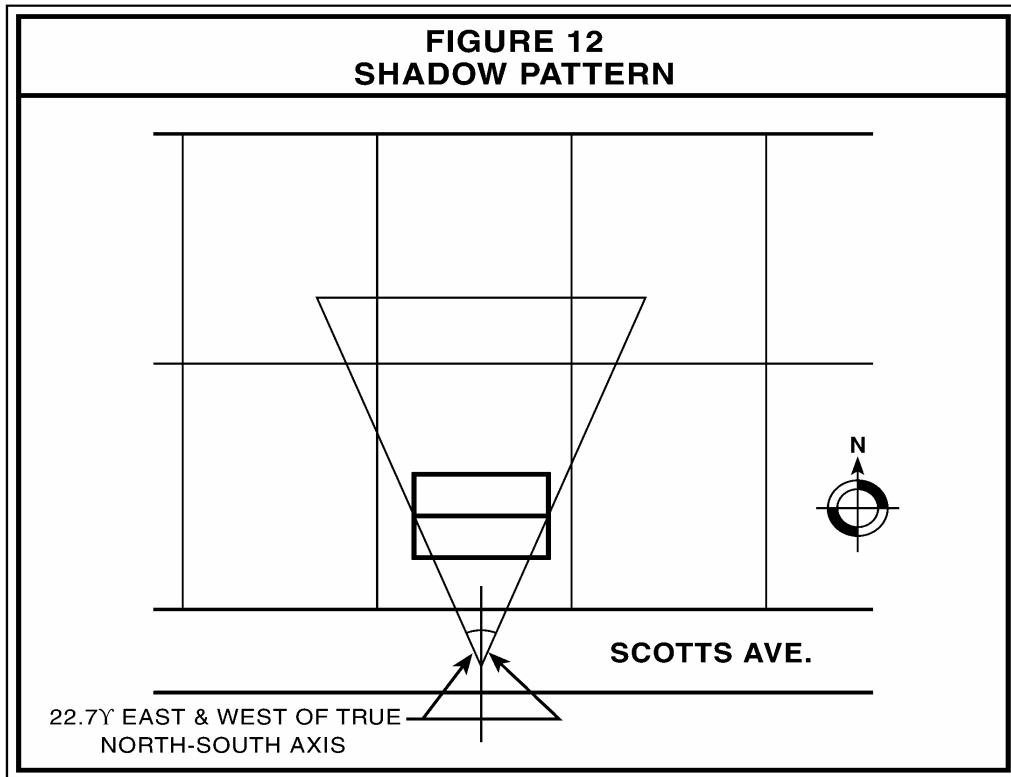
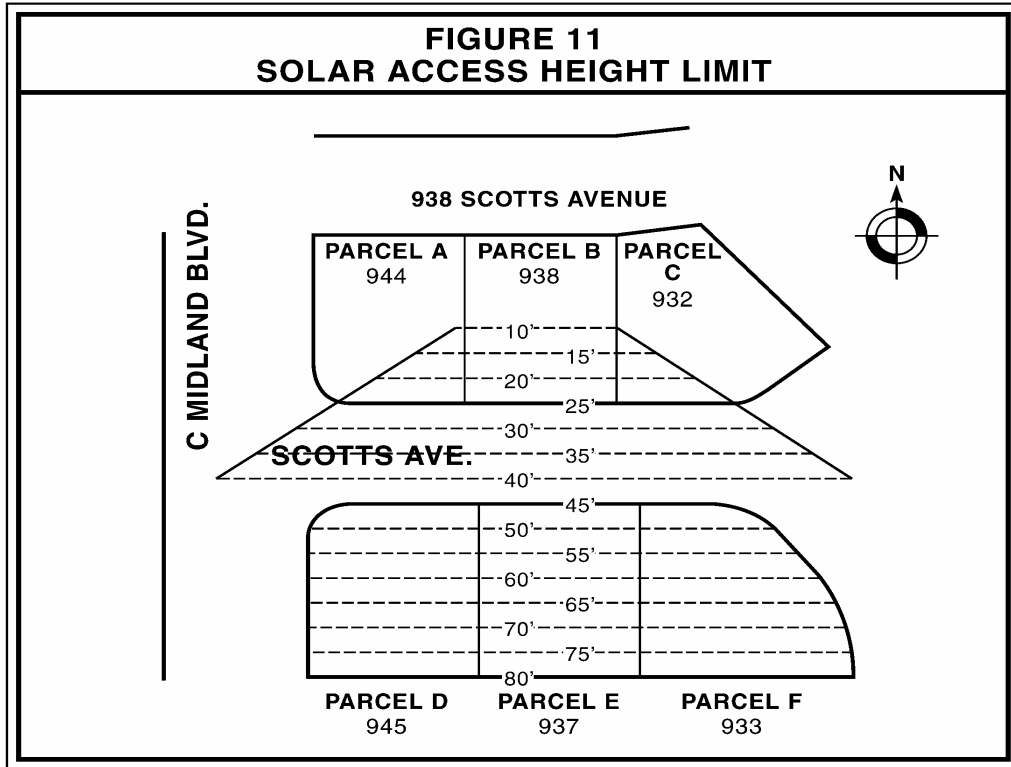
1017.08 APPLICATION

An application for approval of a development subject to this ordinance shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Subsection 1017.04, except for lots for which an exemption or adjustment from Subsection 1017.04 is requested, including at least:
  - 1. The north-south lot dimension and front lot line orientation of each proposed lot.
  - 2. Protected solar building lines and relevant building site restrictions, if applicable.
  - 3. For the purpose of identifying trees exempt from Subsection 1017.07, a map showing existing trees at least 30 feet tall and over 6 inches diameter at a point 4 feet above grade, indicating their height, diameter, and species, and stating that they are to be retained and are exempt.
  - 4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Subsection 1017.04 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Subsection 1017.05 and 1017.06, respectively.

1017.09 REVIEW PROCESS

Review of new developments for compliance with these standards shall be a part of the review process stipulated in Section 1105 and Section 1106. (6/6/02)



# **City of Dixon**

## **The Zoning Ordinance**



Adopted by the City Council  
On April 13, 1982

Updated February 25, 1999  
Updated May 12, 2005  
Updated June 1, 2007  
Updated May 1, 2009  
Updated August 1, 2010

### **12.19.20 Principles to be Followed**

In carrying out the purposes of this Section with respect to the external design of buildings and site plans of all proposed new buildings, structures or uses for which design review is required, the following principles shall be applicable:

- A. It is the intent of this Section that the review exercised shall be the amount necessary to achieve the overall objectives of this Section; (OR 05-001)
- B. Good architectural character is based upon the suitability of a building or site for its purpose; upon the appropriate use of sound materials, good relationship with other structures and the character of the City; and upon the principles of harmony, preparation and design in the elements of the building or site; (OR 05-001)
- C. Good architectural character and site planning design are not, in themselves, more expensive than poor architectural character and poor site planning design, and are not dependent upon the particular styles of architectural or site plan design selected; (OR 05-001)

### **12.19.21 Single Family Dwellings and Secondary Living Units Design Standards** (OR 05-007; 09-023)

- A. The architectural style, scale, height, material, setbacks and roof line of a single family dwelling shall be compatible with existing buildings in the area and with the goals and objectives of the General Plan. (OR 05-001; 09-023)
- B. Single Family dwellings shall have a variety of materials, colors and textures without producing excessive variety which would disrupt the unity of design. (OR 05-001; 09-023)
- C. A single family dwellings or secondary living unit shall have a roof pitch of not less than 3 inches of vertical rise for each 12 inches of horizontal run, unless the architectural style of the building makes it incompatible with the overall design. (OR 05-001; 09-023)
- D. A single family dwellings or secondary living unit shall have a roof overhang of not less than 12 inches measured from the vertical side of the structure, unless the architectural style of the building makes it incompatible with the overall design. (OR 05-001; 09-023)
- E. Roofing material for the single family dwelling or secondary living unit shall be of composition shingles, wood shingles or shakes, masonry tiles, or other materials commonly found on residential structures in the surrounding area. Shiny metallic roofing materials are discouraged. (OR 05-001; 09-023)

- F. Exterior siding material for single family dwellings and secondary living units shall be similar to that which is found commonly on residential structures in the surrounding area and should consist of the following: wood, stucco, glass, brick, stone or other masonry products. Synthetic products of a similar appearance and texture and equivalent durability may be permitted. Shiny metallic surfaces are discouraged. (OR 05-001; 09-023)
- G. The garage (either attached or detached) or a carport shall have exterior covering and roofing material the same as the single family dwellings or secondary living unit with which it is associated. (OR 05-001; 09-023)
- H. A single family dwelling should be designed and oriented on the lot to enhance its energy conservation features, including both passive and active solar systems. (OR 05-001; 09-023)
- I. Where feasible, the design should incorporate solar energy including, but not limited to, photovoltaic systems and solar hot water systems. Design shall comply with the City of Dixon Energy and Water Conservation Regulations, as provided in Section 12.27 of the Zoning Ordinance. (OR 05-007; 09-023)
- J. Where feasible, the design should allow for home “visitability” by disabled individuals, and, substantially comply with those visitability standards being developed by the California Department of Housing and Community Development in response to the Health & Safety Code Section 17959 and any related standards which may be adopted by the City Council. (OR 05-007; 09-023)

### **12.19.22 Commission May Impose Conditions**

The Community Development Director or DRC may, in its action of approving an application for design review, impose conditions upon the issuance of a building permit if the Community Development Director or DRC finds and determines that the design of the structure as proposed in the application does not meet the standards set forth in Sections 12.19.20 or 12.19.21 of this ordinance. (OR 05-001; 09-023)

### **12.19.23 Procedure Upon Disapproval of Application**

If the Community Development Director or DRC disapproves an application for Design Review, he or she/it shall state his or her/its findings and conclusions in detail. The secretary shall furnish the applicant with the findings of the Community Development Director or DRC within ten (10) days of the disapproval of the application. (OR 05-001; 09-023)



**12.27****ENERGY AND WATER CONSERVATION REGULATIONS****Sections:**

- 12.27.01** Title and Purpose  
**12.27.02** Energy Conservation Guidelines  
**12.27.03** Water Conservation Guidelines

**12.27.01 Title and Purpose**

The provisions of this section shall be known as the Energy and Water Conservation Regulations. The purpose of these provisions are to encourage the conservation of depletable energy resources and water resources, and to facilitate the utilization of alternative, nondepletable energy resources, including solar energy.

**12.27.02 Energy Conservation Guidelines**

- A. Circulation and Transportation
1. Subdivisions, planned unit developments, and large scale commercial developments shall be designed to encourage energy conserving transportation practices while discouraging unnecessary automobile use. Applications for site development plan approval of these developments shall include pedestrian and bicycle circulation systems which are orderly, well-maintained, and convenient to use.
  2. Developments including civic, commercial and industrial use types shall provide bicycle racks for the use of their employees and the persons they serve.
- B. Efficient Use of Solar Energy
1. Subdivision and residential planned developments shall be designed to the maximum extent possible so that dwelling units are oriented to the south to permit maximum exposure to the winter sun for solar heating. When necessary in order to achieve a southerly orientation for individual dwelling units the Planning Commission, upon application for conditional use permit as provided by Section 12.21, may waive minimum yard requirements.
  2. Buildings, landscaping, vegetation, fences, and other solar screens should be located and sited to the minimum extent possible so that they do not preclude or discourage the use of solar energy in adjacent properties and buildings. Where necessary, the Planning Director may require submission of a map showing shadows cast by solar screens, including landscaping and vegetation at maturity, for 12 noon (Solar Time) on December 21.

3. Exterior clothes drying facilities shall not be prohibited in subdivisions and shall be provided in apartment house and condominium developments.
4. Exterior active and passive solar energy collectors and ancillary equipment shall not be prohibited in subdivisions, apartment houses, and condominiums.

**12.27.03**    **Water Conservation Guidelines**

All vegetation and landscaping required by the zoning regulations shall employ drought resistant species.

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**15.14.030 ALTERNATIVE ENERGY****15.14.030.A. Solar Energy****1. Solar Energy Systems****a. Purpose**

This section is intended to promote the compatible use of solar energy systems and to assist in decreasing the city's dependence upon non-renewable energy systems through the encouragement of solar energy systems for the heating of buildings and water.

**b. Standards**

Solar energy systems shall be a permitted use in all zoning districts subject to the following requirements. Private restrictions on solar energy systems, such as homeowners association covenants or restrictions, shall not be permitted.

**c. Height**

In solar retrofit installations: Solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may exceed by three feet the maximum height limits established by this code. Systems taller than three feet above any maximum height shall be subject to the conditional use permit process set forth in subsection 15.06.060.E.

**d. Setbacks**

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may extend into the required setbacks a maximum of three feet. Systems extending more than three feet into any required setback shall be subject to the conditional use permit process set forth in subsection 15.06.060.E.

**e. Conflict with Other Municipal Policies and Ordinances**

Nothing in this subsection does, or is intended to, abrogate the owner's responsibility to meet all other requirements of this code, including, but not limited to the following: preservation of private and public views, the quality of architectural design, the preservation of historic landmark structures, or the like.

**2. Solar Rights****a. Purpose**

The purpose of this section is to protect the health, safety and general welfare of the residents of the city by encouraging the use of solar energy

systems. It is the intent of this section to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners.

**b. Procedure and Applicability**

- (i) The procedure for the issuance of a solar access permit is found in subsection 15.06.060.L.
- (ii) Solar access permits shall not be permitted for properties in the Downtown Commercial zoning district.

**c. Solar Access Permit Required for Protection of Solar Right**

- (i) A solar permit shall be issued before a solar right may be established under this chapter.
- (ii) A solar permit shall be granted for any proposed or existing solar collector that complies with the requirements of this chapter and other city ordinances and state law.
- (iii) Solar rights under applications filed subsequent to the effective date of the ordinance codified in this chapter shall vest on the date the solar permit is issued, which date shall also be the priority date of the solar right. The solar collector shall be put to beneficial use within two years of that time, except additional time may be granted by the city engineer for good cause shown. The department shall certify the right and its beneficial use within two years of its vesting. In the event beneficial use has not been established, the department shall revoke the permit and record the revocation with the Albany County Clerk.
- (iv) Users of solar collectors that existed prior to the effective date of the ordinance codified in this section shall apply for permit(s) within five years after the effective date. Failure to apply for and receive such permit(s) shall require that the or the collectors be removed. The priority date for these solar rights shall be the first date the solar collector was beneficially used, which shall be determined by the department.

**d. Restrictions on Solar Rights**

- (i) Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. Unreasonable or unnecessary restriction shall include, but not be limited to, any restriction that would prohibit the uses allowed by city code (but not including planting of trees).
- (ii) No solar right shall attach to a solar collector or a portion

of a solar collector, that would be shaded by a hypothetical nonlight-transmitting, 10-foot high wall located on the property line on a winter solstice day.

- (iii) The solar right to radiation of the sun before nine a.m. or after three p.m. Mountain Time is *de minimus* and may be infringed without compensation to the owner of the solar collector.
- (iv) A solar right that is not applied to a beneficial use for a period of five years or more shall be deemed abandoned and without priority.
- (v) The priority of new construction with regard to interference in solar rights shall vest as of the date of application for a building permit.

**e. Prior Existing Uses**

- (i) The lawful location of structures in existence prior to the time of beneficial use of an existing solar energy collection system or in existence at the effective date of the ordinance codified in this title may be continued, even though the location does not conform to the requirements of this section, provided the structure conforms or is legally non-conforming in other aspects under this title.
- (ii) The solar applicant shall be required to take the permit subject to the natural growth of all vegetation that exists at the time of filing the application.
- (iii) Such structure or vegetation that has been damaged by fire or a calamity may be restored to its original condition or replanted, provided the work is commenced within 18 months of the calamity. In addition, normal and routine maintenance of structures may be carried on.
- (iv) Whenever the use of such a structure or presence of vegetation has been discontinued for a period of 18 months, the structure or vegetation shall not thereafter be re-established, unless such future use shall be in conformance with provisions of this title.

**3. Solar Oriented Lots****a. Purpose**

It is the city's intent to encourage the use of both active and passive solar energy systems for heating air and water in homes and businesses, as long as natural topography, soil, or other subsurface conditions or other natural conditions peculiar to the site are preserved. While the use of solar energy systems is optional, the right to solar access is protected. Solar collectors require access to available sunshine during the entire year, including between the hours of 9:00 am and 3:00 pm, Mountain Time on the winter solstice date, when the longest shadows occur. Additionally, a goal of this Section is to ensure that design review plan elements do not excessively shade adjacent properties, creating a significant adverse impact upon the solar potential of adjacent property owners. Thus, standards are set forth to evaluate the potential impact of shade caused by buildings, structures, and trees.

**b. Solar-Oriented Residential Lots**

At least 40 percent of the lots less than 15,000 square feet in area in single- and two-family residential developments shall conform to the definition of a "solar-oriented lot" in order to preserve the potential for solar energy usage.

**c. Access to Sunshine**

The elements of the development plan (e.g., buildings, circulation, open space, and landscaping) shall be located and designed, to the maximum extent feasible, to protect access to sunshine for planned solar energy systems or for solar-oriented rooftop surfaces that can support a solar collector or collectors capable of providing for the anticipated hot water needs of the buildings in the project between the hours of 9:00 am and 3:00 pm Mountain Time, on December 21.

**4. Clothes Lines**

Clothes lines shall be permitted in all residential and mixed-use zoning districts.

**15.14.030.B. Wind Energy****1. Wind Energy Systems – Generally****a. Purpose**

This section is intended to promote the compatible use of wind energy systems that are designed for compatibility with urban and suburban locations. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from more conventional sources. Distributed

**322. Site Plan**

"Site plan" means a drawing and text or collection of drawings and text that graphically represent how a site, or site and structures in combination, have been or are to be developed.

**323. Slaughterhouse**

"Slaughterhouse" means a facility in which the killing and butchering of animals for meat and various by-products is conducted.

**324. Slope Classification Map**

"Slope Classification Map" means a map prepared as a colored exhibit by a registered professional engineer or land surveyor based upon a contour map of the specified scale and contour interval, upon which the measured and calculated percent of slope (measured between every contour interval on the map) is classified in slope-percentage categories according to the following table:

Slope Classification	Percent of Slope	Mapped Color
Level	0 - 9.9%	Uncolored
Slight	10 - 19.9%	Yellow
Moderate	20 - 29.9 %	Orange
Severe	30% and greater	Red

**325. Small Wind Energy System (SWES)**

"Small Wind Energy System" is a Wind Energy System consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power by converting wind energy to electricity. For purposes of this Title, a Vertical Axis Wind Turbine (VAWT) is not defined as a Small Wind Energy System (SWES).

**326. Solar Collector**

"Solar collector" means one of the following which is capable of collecting, storing or transmitting at least twenty-five thousand BTU's on a clear winter solstice day:

- a. A wall, celestory window or skylight designed to transmit solar energy into a structure for heating purposes;
- b. A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;
- c. A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;
- d. A photovoltaic collector designed to convert solar energy into electric energy;
- e. A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or for other applications;
- f. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
- g. Other devices or combination of devices that rely upon sunshine as an

energy source.

**327. Solar-Oriented Lot**

"Solar-oriented lot" means: (1) a lot with a front lot line oriented to within thirty (30) degrees of a true east-west line. When the lot line abutting a street is curved, the "front lot line" shall mean the chord or straight line connecting the ends of the curve. For a flag lot, the "front lot line" shall mean the lot line that is most parallel to the closest street, excluding the "pole portion of the flag lot"; or (2) a lot which, when a straight line is drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback, is oriented to within thirty (30) degrees of true north along said line; or (3) a corner lot with a south lot line oriented to within thirty (30) degrees of a true east-west line, which south lot line adjoins a public street or permanently reserved open space; provided, however, that the abutting street right-of-way or open space has a minimum north-south dimension of at least fifty (50) feet. For the purposes of this definition, "permanently reserved open space" shall include, without limitation, parks, cemeteries, golf courses and other similar outdoor recreation areas, drainage ditches and ponds, irrigation ditches and reservoirs, lakes, ponds, wetlands, open spaces reserved on plats for neighborhood use and other like and similar permanent open space.

**328. Solar Right**

"Solar right" means a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by city ordinance or state law.

**329. Sorority**

See "Fraternity"

**330. Special Event**

"Special event" means an assembly of a group of people with a common purpose for a period of 5 hours or longer. Special events include, but are not limited to concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations, outdoor meetings, auctions, outdoor entertainment, tent revivals, art shows, craft shows, rodeos, or any other gathering or events of similar nature. Special events do not include noncommercial events held on private property, such as graduation parties or social parties.

**331. Sporting and Athletic Goods Store**

"Sporting and athletic goods store" means a retail establishment that sells athletic clothing, shoes, supplies and equipment.

**332. Stationery Store**

"Stationery store" means a facility for the retail sale of stationery, paper, pens, ink and associated items; not involving wholesale distribution.



- ( 9 ) LANDSCAPING. All lot area not covered by building or parking areas is to be landscaped. In addition, a parcel of land shall be landscaped that is equal in size to at least 15 percent of the total area of land dedicated to off-street parking, exclusive of off-street parking on individual lots. This landscaping shall complement the parking area. See Article 25 - Site Plan Review of this ordinance for further information.

#### SECTION 15.04 PLANNED UNIT DEVELOPMENT SUBDISTRICT (/PUD)

- ( 1 ) DESCRIPTION AND PURPOSE. The purpose of the Planned Unit Development (PUD) Subdistrict is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Subdistrict is intended to be used to encourage the application of new techniques and new technology to community development that will result in superior living or development arrangements with lasting values. It is also intended to serve as an economical way to develop land, maintenance and street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, protection of solar access and the general well-being of the inhabitants.

The proposal for the PUD Subdistrict shall be prepared by one or more persons with professional qualifications in such design-related fields as architecture, landscape architecture, urban planning, and civil engineering. The names of professional persons shall be provided with the application.

- ( 2 ) OBJECTIVES. The general objectives of the PUD Subdistrict are:
- ( a ) To encourage innovation and variety in the development or reuse of property;
  - ( b ) To maximize choices available in the types of environment available in the City of Oakridge;
  - ( c ) To encourage a more efficient use of land and of public services and facilities;
  - ( d ) To take advantage of and promote advances in technology, architectural design, and functional land-use design;
  - ( e ) To provide for the enhancement and preservation of property with unique features (such as historical, topographical, and natural landscape);
  - ( f ) To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations;
  - ( g ) To enable special problem areas or sites in the City of Oakridge to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape, or historical legal nonconformance;
  - ( h ) To allow flexibility of design that will create desirable public and private common open spaces, a variety in type, design, and layout of buildings, and utilize, to the best possible extent, the potentials of individual sites;
  - ( i ) To help reduce the public service cost of development;
  - ( j ) To provide for enhancement and preservation of desirable vegetation and trees within the area;
  - ( k ) To encourage the use of solar energy in buildings through the provision and protection of solar access.

- ( 3 ) ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT (/PUD) SUBDISTRICT IN COMBINATION WITH A BASIC DISTRICT. A PUD Subdistrict (/PUD) may be established in combination with any basic district. In cases of conflict between standards of the basic district and the PUD Subdistrict, the standards of the PUD Subdistrict will apply.

- ( 4 ) PROCEDURES FOR PRELIMINARY APPROVAL. The applicant shall submit at least 10 copies of a preliminary development plan to the Planning Commission for approval of the project in principle. The plan shall be submitted to the City Administrator at least 30 days before the Planning Commission meeting at which the proposal shall first be discussed. See Article 25 – Site Plan Review of this ordinance for further information. The proposal shall consist of a preliminary plan in schematic fashion and a written program with consideration given to the following elements:

- ( a ) Elements of the Plan
  - ( i ) Vicinity map showing the location of streets and lots in the area within 500 feet of the proposed development.

- ( ii ) Existing land uses and zoning of property and vicinity.
  - ( iii ) Proposed land uses including housing unit densities (number of units per acre, type of residence, and number of bedrooms by type of residence).
  - ( iv ) Building types and approximate bulk.
  - ( v ) Vehicular and pedestrian access, circulation and parking pattern and status of street ownership.
  - ( vi ) Parks, playgrounds and open spaces.
  - ( vii ) Existing natural features such as trees, streams and topography.
  - ( viii ) Landscaping, screening and fencing proposals.
  - ( ix ) Proposed method of solid waste disposal.
  - ( x ) Proposed method for provisions of water supply and sewage disposal.
  - ( xi ) Proposed method for the handling of surface water drainage.
  - ( xii ) Proposed grading patterns.
  - ( xiii ) Street and open space lighting proposals.
- ( b ) Elements of the Program
- ( i ) Proposed ownership pattern and verification of ownership.
  - ( ii ) Operation and maintenance proposal, such as condominium, co-op or Homeowner's Association.
  - ( iii ) Commercial facilities such as shopping and community facilities such as schools or parks.
  - ( iv ) Timetable of development, to include expected starting dates, projection of completion time and project phasing, if anticipated.
  - ( v ) Method of public improvements financing, if any.
- ( c ) Planning Commission Review of Preliminary Development Plan
- ( i ) The Planning Commission shall informally review the Preliminary Development Plan and Program and may recommend either preliminary approval in principle, with or without modifications or denial. Such action shall be based upon the City's Comprehensive Plan, the standards of this ordinance and other regulations, and the suitability of the proposed development in relation to the physical characteristics of the area and the development characteristics of the neighborhood.
  - ( ii ) Approval in principle of the Preliminary Development Plan and Program shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships. Approval in principle shall not be construed to endorse the precise location of uses or of engineering feasibility. The Planning Commission may require the submission of information other than that specified for submittal as part of the General Development Plan and Program.
  - ( iii ) Informal review of the Preliminary Development Plan and Program shall be held at a regular Planning Commission meeting, but does not require a public hearing.
  - ( iv ) The Planning Commission shall evaluate design team needs and may recommend additional members, depending upon the scope of the proposal, to facilitate preparation of the General Development Plan and Program.
  - ( v ) The Planning Commission shall determine the extent of any environmental assessment to be included in the General Development Plan and Program.
- ( 5 ) GENERAL DEVELOPMENT PLAN AND PROGRAM - PROCEDURE
- ( a ) After receiving approval in principle of the Preliminary Development Plan and Program, the applicant shall submit ten copies of the General Development Plan and Program to the City Administrator at least 30 days before the date of the Planning Commission hearing scheduled to review the Plan and Program.
  - ( b ) The applicant shall petition for an amendment to the zoning map according to the provisions of Article 29 - District Changes of this ordinance.
  - ( c ) Upon receipt of the redistrict petition accompanied by the General Development Plan and Program, the Planning Commission shall hold a public hearing on both the redistrict and the Plan and Program to allow the applicant to present the Plan and Program. The procedures for the public hearing and notice shall conform to the requirements of Article 31 - Public Hearings of this ordinance.

- (6) GENERAL DEVELOPMENT PLAN AND PROGRAM – PLAN ELEMENTS. The General Development Plan and Program shall contain the following plan elements.
- (a) It shall be in conformance with the approved preliminary plan, including a vicinity map showing the circulation pattern within and next to the proposed development, integration of water, sewer and other underground utilities with existing utilities, and the integration of proposed site drainage with existing drainage systems.
  - (b) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
  - (c) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks or other public open spaces and land uses within 500 feet of the development.
  - (d) Existing sewer, water and other underground utilities within and next to the development and their certified capacities.
  - (e) Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
  - (f) Proposed system for handling of storm drainage.
  - (g) A preliminary subdivision plan if the property is proposed to be subdivided.
  - (h) A land use plan showing the uses planned for development.
  - (i) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, bikeways or other uses dedicated or reserved to the public, if any.
  - (j) Open space that is to be maintained and controlled by the owners of the property and proposed users of it.
  - (k) A traffic flow map showing the circulation pattern within and next to the proposed development, including fire equipment access and turnarounds.
  - (l) Location and dimensions of bikeways, pedestrian walkways, malls and trails or easements.
  - (m) Location, arrangement, number, and dimensions of automobile garages and parking spaces, and width of aisles, bays and angle parking.
  - (n) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.
  - (o) Preliminary architectural plans and elevations of typical buildings and structures, showing the general height, bulk, appearance, and number of dwelling units.
  - (p) A preliminary tree planting and landscaping plan. All existing trees over six inches in diameter at chest height, and groves of trees shall be shown. Trees to be removed by development shall be so marked.
  - (q) The approximate location, height, and materials of all walls, fences, and screen planting. Elevation drawings of typical walls and fences shall be included.
  - (r) Location, size, height, and means of illumination of all proposed signs.
  - (s) The stages, if any, of development construction. Such stages shall be clearly marked on the General Development Plan.
  - (t) Specifications of the extent of emissions and potential hazard or nuisance characteristics caused by the proposed use, including approvals of all regulatory agencies having jurisdiction. Uses which possess nuisance characteristics or those potentially detrimental to the public health, safety, and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare, or electromagnetic interference shall not be allowed unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics concerning the proposed use. Misrepresentation or omission of required data shall be grounds for termination of an occupancy permit.
  - (u) Shadow patterns for all buildings and trees illustrating areas shaded between the hours of 9:30 a.m. and 2:30 p.m. on December 21. Guidelines for determining shadow patterns will be developed by the City Administrator.
  - (v) Any such other information or data as may be necessary to allow the Planning Commission to make the required findings.
- (7) GENERAL DEVELOPMENT PLAN AND PROGRAM – PROGRAM ELEMENTS. The General Development Plan and Program shall contain the following program elements.
- (a) Narrative statement of the basic purposes of the PUD.
  - (b) A completed environmental assessment, if required by the Planning Commission.

- (c) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use, including each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces.
  - (d) Tables showing the overall density of the residential development and showing density by dwelling types and any proposals for the limitation of density.
  - (e) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space or required dedications or reservations of public open spaces and of any dedications of development rights.
  - (f) A timetable showing when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.
- (8) **ACTION AND FINDINGS BY PLANNING COMMISSION.** The Planning Commission, after public hearing on any amendment to the zoning map, may recommend approval of the PUD Subdistrict and the General Development Plan and Program, with or without modifications, or may deny the application. A decision to recommend approval of the PUD Subdistrict shall be based on the following findings.
- (a) That the proposed development is in substantial conformance with the City of Oakridge Comprehensive Plan.
  - (b) That exceptions from the standards of the underlying zone are warranted by the design and amenities incorporated in the development plan and program.
  - (c) That the system of ownership and the means of developing, preserving, and maintaining open spaces as outlined in Subsection (12)(g) - Ownership and Maintenance of the Planned Unit Development and according to restrictive covenants or improvement agreements approved by the City Attorney and the Planning Commission, is suitable to the proposed development, to the neighborhood, and to the City as a whole.
  - (d) That the proposed development or a unit of it can be substantially completed within one year of final approval or completed according to an approved development plan timetable.
  - (e) That the streets are adequate to support the anticipated traffic, and that the development will not overload the streets outside the PUD area.
  - (f) That the proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area. That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and that it will not create a hardship to residences, either within or outside the planned area.
  - (g) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.
  - (h)** That the location, design, size, and land uses are such that the long axis of 70 percent of all proposed buildings shall be oriented to within 45 degrees of the true east/west axis to provide proper solar orientation and that the south facing walls and rooftops of buildings with proper solar orientation shall be protected from shadows between the hours of 9:30 a.m. and 2:30 p.m. on December 21. The Planning Commission may exempt from solar orientation requirements those buildings that, by innovative design, provide for the use of solar energy.
- (9) **CITY COUNCIL ACTION.** After reviewing the recommendation from the Planning Commission, the City Council shall hold a hearing on the proposal for a PUD Subdistrict zone change and the General Development Plan and Program. The City Council shall either approve the application, with or without modifications, or deny it.
- (10) **CONDITIONS FOR APPROVAL.** The Planning Commission or City Council may require conditions for approval that may include, but are not limited to, the following.
- (a) Increasing the required setbacks.
  - (b) Limiting the height of buildings.
  - (c) Controlling the location and number of vehicular access points.
  - (d) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks and, in general, improving the traffic circulation system.
  - (e) Requiring additional improvements for utilities or storm drainage facilities.
  - (f) Increasing the number of parking spaces and improving design standards for parking areas.
  - (g) Limiting the number, size, location, and lighting of signs.

**City of San Luis Obispo, California  
Municipal Code (2011)**

**Title 16. SUBDIVISIONS**

**Chapter 16.18. GENERAL SUBDIVISION DESIGN STANDARDS**

**16.18.160 Energy conservation.**

All subdivisions shall provide opportunities for passive or natural heating and cooling opportunities to each of the proposed lots, where determined by the reviewing body to be feasible, except for condominium conversion of existing structures where no new structures are added. Such opportunities may include, but are not limited to:

- A. Siting of structures or building envelopes to take optimum advantage of passive cooling and heating opportunities.
- B. Adjusting building setback lines to promote the optimum spacing of structures to create adequate solar access.
- C. Orienting the longest dimension of each lot within thirty degrees of south, unless the subdivider demonstrates that for certain lots:
  1. The lots are large enough to allow proper building orientation and maximum feasible control of solar exposure by the lot owner, regardless of lot orientation. Properly oriented building envelopes shall be established for lots smaller than one acre;
  2. Buildings will be constructed as part of the subdivision project (as in condominium or planned development) and the buildings themselves will be properly oriented with adequate solar exposure;
  3. Topography makes variations from the prescribed orientation desirable to reduce grading or tree removal or to take advantage of a setting which favors early morning or late afternoon exposure, or where topographical conditions make solar energy infeasible;
  4. The size of the subdivision in relation to surrounding streets and lots precludes desirable lot orientation. (Ord. 1490 § 3 (part), 2006)

**Santa Clara County, California**  
**County Code (2011)**  
**Title C. Construction, Development and Land Use**  
**Division C12. Subdivisions and Land Development**

**Chapter I. Subdivisions**  
**Article 4. Requirements**  
**Part 9. Solar Access for Subdivision Development**

**Sec. C12-173. Intent.**

It is the intent of this part to implement and enforce the requirements of the California Solar Rights Act, that the design of all subdivisions for which a tentative map is required shall demonstrate the use of natural heating and cooling opportunities to the maximum extent feasible and that the dedication of solar easements may be required as a condition of tentative map approval for new parcels in order to protect solar access. It is intended that the provisions of this part shall prevail over any other provisions of this Ordinance Code which may conflict with any of the requirements herein. No tentative subdivision map shall be approved after the effective date of this part unless the provisions of this part are met. (Ord. No. NS-1203.50, § 2, 4-21-80)

**Sec. C12-173.1. Definitions.**

The following definitions shall apply to this part:

(a) Solar energy system:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating, cooling or hot water heating; or
- (2) Any structural design feature of the building whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating, cooling or hot water heating.

(b) Solar access: For purposes of this part, "solar access" shall mean any of the following:

- (1) The provision of direct sunlight to a south wall and/or south roof of a principal structure from 9:00 a.m. to 3:00 p.m. Pacific Standard Time on December 21 sufficient for the effective use of a solar energy system.
- (2) The provision of direct sunlight to a solar energy system from 9:00 a.m. to 3:00 p.m. Pacific Standard Time on December 21.
- (3) The provision of direct sunlight to the southernmost end of the buildable portion of a lot from 9:00 a.m. to 3:00 p.m. Pacific Standard Time on December 21.

(c) Solar easement: The right of receiving direct sunlight across the real property of another to protect solar access.

(d) Burdened property: Property for which development restrictions are placed, or proposed, in order to protect solar access to benefited property.

(e) Benefited property: Property for which solar access protection is granted or proposed.

(f) South wall: A southern wall area of a principal structure facing within 45 degrees of due south. In the event wall areas are located 45 degrees from south, the south wall shall be defined as the wall area facing southwest.

(g) South roof: A southernmost roof area of a principal structure facing within 45 degrees of due south. In the event roof areas are located 45 degrees from south, the south roof shall be defined as the roof area facing southwest.

(h) Due south: The direction of the south terrestrial pole.  
(Ord. No. NS-1203.50, § 2, 4-21-80)

### **Sec. C12-173.2. Energy conservation plans.**

(a) Subsequent to October 1, 1980, the design of all minor and major land subdivisions as defined by Section C12-5.20 of Santa Clara County Land Development Regulations shall provide, to the maximum extent feasible, for future passive or natural heating and cooling opportunities in the subdivision. An energy conservation plan shall be submitted with the tentative subdivision map. Such plans shall meet the design objectives of Paragraphs (b) and (c) of this section. The development shall be designed to optimize the number of future buildings receiving sunlight sufficient for using solar energy systems. All proposed structures and vegetation shall be sited to provide solar access to a south wall of the greatest possible number of buildings. To the extent the provision of south wall solar access is not feasible on one or more lots, these lots shall be designed to provide solar access to a south roof.

(b) Specific passive or natural heating opportunities to be contained in an energy conservation plan shall include, but are not limited to, design of streets, lot size and configuration to permit a maximum number of buildings to be oriented so that south wall and roof areas may face within 25 degrees of due south. To the extent solar access is not impaired, existing vegetation should be used to moderate prevailing winter winds on the site.

(c) Specific passive or natural cooling opportunities to be contained in an energy conservation plan, to the extent solar access to future buildings is not impaired, include design of lot size and configuration to permit buildings to receive cooling benefits from both prevailing summer breezes and existing shading vegetation.

(d) For the purposes of this part, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. Such factors include, but are not limited to, contour, orientation, grading, slope stability, tree preservation and access to existing streets. It is the intent of this section that the provision of natural heating and cooling opportunities in subdivision design be included with all other design considerations and be pursued whenever the benefits in terms of energy conservation and the potential for solar energy development are greater than the associated negative impacts. It is not intended that the requirements of this section result in reducing densities, reducing the percentage of a buildable lot area that may be occupied by a structure thereby precluding construction under the applicable zoning in force at the time the tentative map is filed, or cause the unnecessary destruction of existing trees.

(e) In cases where a proposed building configuration has been developed at the tentative map stage, energy conservation plans shall include a sketch of the approximate shading

pattern cast by all remaining and proposed vegetation exceeding, or capable of exceeding, ten feet in height and all structures on December 21 from 9:00 a.m. to 3:00 p.m. Pacific Standard Time. This requirement shall apply to structures and proposed or existing vegetation located within 150 feet and within 45 degrees of due south from any proposed south wall or south roof area. In addition, in order to determine the potential for natural heating and cooling opportunities on the site, energy conservation plans shall indicate the approximate location and type of all trees, or groups of trees, exceeding, or capable of exceeding, ten feet in height that are located within 100 feet of a proposed structure.

(f) In cases where a building configuration has not been developed at the tentative map stage, the energy conservation plan shall indicate the extent to which future construction could receive solar access by indicating the approximate location and type of all trees, or groups of trees, exceeding, or capable of exceeding, ten feet in height that are located within the buildable portions of proposed lots or are within 150 feet and within 45 degrees of due south from the southernmost end of the buildable portion of proposed lots. Prior to the effective date of this part, the planning staff shall develop and the Planning Commission shall adopt specific guidelines for preparing energy conservation plans and determining shading patterns.

(g) Exemptions may be granted by the advisory agency from the design objectives of Paragraph (a), (b) or (c) of this section upon a finding that either:

(1) Compliance will result in reducing densities below what would normally be allowed by the advisory agency at the time the tentative map is filed without the provisions of this section.

(2) Compliance is not feasible as defined in Paragraph (d) of this section.

(h) All applicants requesting an exemption pursuant to this section shall submit a written statement and sufficient supporting documentation with the energy conservation plan describing the basis for the claim. In submitting sufficient supporting documentation pursuant to this section, it is not the intent to require the initial submission of an alternative tentative subdivision map. Subsequent requests for alternative maps may be made as part of the approval process.

(i) The planning staff shall review any requested exemption and include recommendations as part of the staff report transmitted to the approving agency.  
(Ord. No. NS-1203.50, § 2, 4-21-80)

### **Sec. C12-173.3. Solar access easements--General requirement.**

(a) In proposed subdivisions where a building configuration has been developed at the tentative map stage, solar access easements created pursuant to this part shall be designed, to the extent feasible, to protect solar access to proposed south roof and south wall areas and any proposed site for a solar energy system. In proposed subdivisions where a building configuration has not been developed at the tentative map stage, solar access easements shall be designed, to the extent feasible, to protect solar access to the southernmost boundary of the buildable portion of a lot. In establishing the dimensions of a solar access easement, consideration shall be given to contour, configuration of the parcel to be divided, existing vegetation and the use of adjacent parcels.

(b) In cases where a building configuration is specified on the tentative map and upon finding that neither lot size, lot configuration or applicable zoning is sufficient to reasonably



protect solar access to a proposed south wall, south roof or any proposed location for a solar energy system, the advisory agency may require the preparation and dedication of solar access easements as a condition of tentative subdivision map approval for any subdivision application containing one or more proposed lots under one acre.

(c) In cases where a building configuration is not specified at the tentative map state and upon finding that neither lot size, lot configuration or applicable zoning is sufficient to reasonably protect solar access to the southernmost boundary of the buildable portion of the lot, the advisory agency may require the preparation and dedication of solar access easements as a condition of tentative subdivision map approval for any subdivision application containing one or more proposed lots under one acre.

(d) Solar access easements shall not be required in cases where the lot that would be benefited is equal to or greater than one acre or where solar access is not available due to either existing vegetation, topography or surrounding development, or where other deed restrictions are sufficient to protect solar access. The establishment of a solar access easement is not intended to result in reducing development densities or reducing the percentage of a lot which may be occupied by a structure, or cause the unnecessary destruction of existing trees. The requirements of this section are not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are proposed.

(e) Prior to the effective date of this part, the planning staff shall develop and the advisory agency shall adopt guidelines for preparing solar access easements, including a model solar easement form for general use.

(f) Solar access easements required pursuant to this part shall be recorded with the final subdivision map with the County Recorder.

(g) The provisions of this section shall be effective on October 1, 1980.  
(Ord. No. NS-1203.50, § 2, 4-21-80)

**Sec. C12-173.31. Same--Contents.**

All solar access easements required pursuant to this part shall provide for the following:

(a) A description of the solar access easement in terms of specific area(s) on benefited property to which solar access is to be protected and a statement specifying that no structure, vegetation or land use shall cast a shadow so as to impede the passage of direct sunlight to more than ten percent of a protected area on a benefited property between 9:00 a.m. and 3:00 p.m. on December 21 or on any other date approved by the advisory agency. For purposes of this section, the easement shall protect and it shall be sufficient to describe only those specific areas on benefited property that would limit the height of structures and vegetation to under 50 feet on the burdened property in order to protect solar access.

(b) The burdens and benefits of the solar access easement as being transferable and running with the land to subsequent grantees.

(c) The solar access easement may be revised or terminated pursuant to Paragraph (e) of this section or by a modification in writing that is signed by all benefited and burdened property owners and recorded with the County Recorder. Said right of modification in writing shall not apply to the initial grantor of the easement.

(d) A diagram of the burdened property indicating in a manner easily understood by nontechnical persons the approximate height restrictions up to and including 50 feet on the property necessary to protect solar access to specific areas on benefited property.

(e)

(1) Because a solar access easement is not intended to unnecessarily burden properties, a statement shall be included specifying that subsequent to the development of a benefited property, restrictions on structures, vegetation and land uses due to a recorded solar access easement on a burdened property not required to protect solar access to a south wall or south roof or the site of a solar energy system shall be void and unenforceable provided a revised solar access easement signed by all affected benefited and burdened parties and a revised diagram pursuant to this section have been recorded with the County Recorder. The easement shall also contain a statement that upon refusal of an affected party to sign the modified solar access easement any other affected party may bring an action in court to determine what modification if any should be made to the easement and that costs of suit may be awarded to the prevailing party. This provision (e)(1) is not intended to and shall not increase the area burdened by any solar access easement on any property.

(2) In cases where applicable, zoning in force at the time the solar access easement is recorded would allow the construction of only one principal structure on the benefited property, the provisions of (e)(1) shall apply subsequent to final approval of the building permit for the principal structure or any detached solar energy system constructed on the benefited property at the same time as the principal structure.

(3) In cases where applicable zoning in force at the time the solar access easement is recorded would allow the construction of more than one principal structure on the benefited property, the provisions of (e)(1) shall apply subsequent to approval of a complete development plan for the benefited property that indicates the future location of all principal structures and the site of any detached solar energy system.

(Ord. No. NS-1203.50, § 2, 4-21-80)

#### **Sec. C12-173.4. Appeal procedure.**

Any person dissatisfied with a decision of the advisory agency pursuant to this part may appeal to the Board of Supervisors within 15 days of said decision.

(Ord. No. NS-1203.50, § 2, 4-21-80)

#### **Sec. C12-173.5. Severability.**

If any portion of this part is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this part.

(Ord. No. NS-1203.50, § 2, 4-21-80)

#### **Sec. C12-174. Reserved.**