

**CIDER MILL HOME OWNERS ASSOCIATION
ENERGY POLICY**

**RESOLUTION OF CIDER MILL HOA BOARD OF DIRECTORS REGARDING
ENERGY POLICY STATEMENT**

RECITALS

A. The Cider Mill Home Owners Association (the “**Association**”) recognizes the need and desire for renewable energy and to establish regulations for the exterior appearance of photovoltaic (“**PV**”) solar energy systems that may be located within the Cider Mill community (the “**Community**”) and to provide for the rights of solar access to such systems, once installed.

B. The Association recognizes that regulations are necessary for PV solar energy systems in order to balance the goals and desires of the Community while maintaining high-quality standards of architecture and streetscape in the Community.

C. The Association further recognizes that solar energy is a growing and changing industry and that as such energy technology changes, revisions to the regulations set out in this resolution may be necessary or desirable.

D. The Association also recognizes the need to address additional alternative forms of renewable energy and to provide basic guidelines.

E. The Board of Directors of the Association (the “**Board**”) desires to adopt an energy policy statement and establish guidelines for the regulation of PV solar energy systems to provide clear and definitive guidance to the Community members.

NOW, THEREFORE, effective August 15, 2017, the Board has duly adopted the following guidelines for Solar Energy Systems (as defined below) within the Community. The following guidelines are hereby incorporated into and made part of the Protective Covenants effective as of the date of this Resolution.

1. Definitions. Capitalized terms not otherwise defined in this Resolution have the meaning assigned to them in this Section 1.

1.1. Solar Energy System. A panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in (a) the heating or cooling of a structure or building; (b) the heating or pumping of water; or (c) the generation of electrical energy.

1.2. Building-Integrated Solar Energy System. A Solar Energy System that is designed and installed as a building component that is part of the exterior envelope of the building.

1.3. **Building-Mounted Solar Energy System.** A Solar Energy System that is affixed to a principal or accessory building.

1.4. **Ground-Mounted Solar Energy System.** A Solar Energy System that is affixed to the ground surface of real property.

2. **Approval of Installations.** No Solar Energy System may be installed on property within the Community without prior approval of the Association's Architectural Review Committee. Submittal and review of each proposed installation shall be consistent with the Association's rules and procedures.

2.1. **Submittal of Installation Plans.** No fewer than ninety (90) days before installing any Solar Energy System, the homeowner shall submit to the Architectural Review Committee detailed plans for the proposed installation, including a schematic drawing of the proposed installation and manufacturer's installation and placement specifications for the Solar Energy System; the proposed location and number of collectors; the method of attachment to the roof structure; and the location of all exterior system components (all of the foregoing, "**System Specifications and Plans**" or "**SSP**").

2.2. **Architectural Review Committee Review Process.** The Architectural Review Committee shall meet within sixty (60) days after the submittal by a homeowner of System Specifications and Plans for a proposed Solar Energy System to be installed on the homeowner's property. Within ninety (90) days after submission of the SSP, the Architectural Review Committee will provide written notice to the homeowner of the Committee's (a) approval of the System Specifications and Plans; (b) rejection of the System Specifications and Plans; or (c) request for further information.

2.3. **Standard of Review by Architectural Review Committee.** The Architectural Review Committee will review the SSP for compliance with the standards and requirements set out in this Resolution. Approval by the Architectural Review Committee may be conditioned upon reasonable modifications to the SSP.

3. **Standards for Residential Building Integrated Solar Energy Systems.** The owner of any residence with a Building-Integrated Solar Energy System will ensure that the residential Building-Integrated Solar Energy System installed on its residence (a) meets all general requirements for Solar Energy Systems set out in Section 6 below; (b) is an integral part of the building surface; (c) covers from street-view any mounting hardware; and (d) includes exterior wiring, plumbing, and conduits painted a color to match the structural building components.

4. **Standards for Residential Building-Mounted Solar Energy Systems.** Each Building-Mounted Solar Energy System must meet the following standards:

(a) Each Building-Mounted Solar Energy System must meet the general requirements set out in Section 6 below.

- (b) Each Building-Mounted Solar Energy System must be installed on the roof of the primary residential structure or accessory structure.
- (c) Each Building-Mounted Solar Energy System should be located in a position least visible from any street or common area, so long as such location does not reduce annual energy production by more than twenty percent (20%) over alternative locations.
- (d) Each Building-Mounted Solar Energy System installed on a pitched-roof must be parallel to the plane of the roof or otherwise conform to the slope of the roof, and must not be greater than twelve (12) inches above the roof surface to which it is attached, or such height above the roof surface as may be allowed by local codes or ordinances.
- (e) Each Building-Mounted Solar Energy System must not extend beyond the perimeter boundary of the roof section to which it is attached and must terminate such distance from the edge of the roof as required by any applicable building and fire codes.
- (f) Each Building-Mounted Solar Energy System must have a frame, brackets, and visible piping or wiring that is of a color matching the surface upon which the Building-Mounted Solar Energy System is installed, or, if such a color is not commercially available, a bronze or black tone commonly available in the marketplace.
- (g) Except as set out in subclause (h) below, each Building-Mounted Solar Energy System must not exceed the existing roofline in height.
- (h) Except with respect to a Building-Mounted Solar Energy System installed on a flat roof, each Building-Mounted Solar Energy System must maintain the existing pitch of the roof. Each Building-Mounted Solar Energy System installed on a flat roof may not exceed twenty degrees (20°) in pitch above the roof or be no higher than allowed by applicable zones, codes, or ordinances.

5. Residential Ground-Mounted Solar Energy Systems. Any Ground-Mounted Solar Energy System installed by a homeowner shall meet all applicable setback laws and regulations for accessory structures. In addition, the following requirements apply to each Ground-Mounted Solar Energy System:

- (a) A Ground-Mounted Solar Energy System must be shielded from any street abutting the property or any common area at street level by vegetation or fencing not less than sixty (60) inches in height, which vegetation or fencing must be maintained by the homeowner in accordance with the Association rules and standards.
- (b) A Ground-Mounted Solar Energy System must be installed so that the ground surface beneath the Solar Energy System and around the Solar Energy System may be maintained in accordance with HOA standards.
- (c) The ground surface beneath any Ground-Mounted Solar Energy System must allow for adequate drainage of rainwater and runoff from the Solar Energy System.

(d) Each Ground-Mounted Solar Energy System must meet the general requirements set out in Section 6 below.

6. **General Requirements.** A Solar Energy System installed on homeowner property must meet the following general requirements:

(a) Each Solar Energy System must be installed in conformance with all applicable governmental rules, laws, regulations, and ordinances, including but not limited to applicable zoning, building, and fire codes.

(b) No Solar Energy System installed on homeowner property may threaten public health or safety, or violate any applicable law.

(c) Each Solar Energy System must be maintained in good repair and working order. Any Solar Energy System damaged, destroyed, or disused must be removed or repaired within ninety (90) days after such initial damage, destruction or disuse.

(d) No Solar Energy System may be installed until the building plans and specifications have been submitted in writing to the Architectural Review Committee for review and have been approved in writing.

(e) No Solar Energy System may be installed on any homeowner property until all permits and approvals required by law have been issued.

(f) No Solar Energy System may be installed on any homeowner property on which the residential structure or accessory structure exceeds thirty (30) feet from the top of the footings or basement floor to the existing roofline peak.

(g) To the maximum extent possible, a Solar Energy System shall be installed so as to minimize its exposure when viewed from any other homeowner property, street or surrounding community.

7. **Solar Shade Control**

7.1. **Rights of Solar Access.** Except as set out in 7.2 below, after the installation of a Solar Energy System, notice of which is given in accordance with this Article 7, a person owning or in control of another property shall not allow a tree or shrub to be placed or, if placed, to grow on that property so as to cast a shadow greater than 25 percent of the collector absorption area upon an existing Solar Energy System collector surface at any one time between the hours of 10 a.m. and 2 p.m., local standard time.

7.2. **Existing Trees or Shrubs.** This Article 7 does not apply to any of the following:

(a) A tree or shrub planted prior to the installation of a Solar Energy System;

(b) The replacement, using a tree or shrub of equivalent height at maturity, of a tree or shrub that had been growing prior to the installation of a solar collector and that, subsequent to the installation of the solar collector, dies, or is removed for the protection of public health, safety, or the environment; or

(c) A tree or shrub that is subject to a city or county ordinance.

7.3. Notice to Neighboring Homeowners. The owner of a residence where a Solar Energy System is proposed to be installed shall provide written notice by certified mail to each owner or tenant of a residence that may be affected by the requirements of this Article before the installation of the Solar Energy System. Such notice shall be given not fewer than thirty (30) days before the proposed installation of a Solar Energy System or more than ninety (90) days before such installation. Any such notice shall include the following information:

(a) Name, address, and telephone number of owner of residence where Solar Energy System is proposed for installation;

(b) Address of building and specific location where Solar Energy System will be installed;

(c) Anticipated installation date.

Any notice under this Article 7 shall be given by each subsequent owner of the residence on which the Solar Energy System is installed to each affected property upon actual knowledge of a transfer in ownership.

8. Additional Alternative Energy System

8.1. Requirement of Law. The Illinois Homeowners' Energy Policy Statement Act requires this policy to address whether wind energy collection, rain water collection or composting systems will be allowed. This Article is intended to address that requirement.

8.2. Wind Energy Collection System. A wind energy collection system will be considered on a case by case basis by the Architectural Review Committee based on the then existing information available, the proposal of the owner and the best interests of other members of the Community.

8.3. Rain Water Collection System. A rain water collection system will be considered on a case by case basis by the Architectural Review Committee based on the then existing information available, the proposal of the owner and the best interests of other members of the Community.

8.4. Composting System. Composting systems will not be allowed in the Community.