

**Starview Heights Property Owners' Association, Inc.
A North Carolina Non-Profit Corporation**

Rules and Regulations for Solar Energy Systems

1. Introduction.

In light of the growing interest and demand for solar energy systems and given the corresponding needs to have solar energy installations to comply with architectural guidelines and preservation of views, the Association has adopted rules and regulations to reconcile the goal of having renewable energy sources with preserving the aesthetic theme of the community and maintaining property values for all owners.

2. Applicable Definitions.

a. Solar Collector – device or apparatus that gathers solar radiation for water heating active space heating and cooling, passive heating, or generating electricity.

b. Solar Energy Systems – any solar collector and all associated equipment such as wiring, piping and control devices or other solar energy device or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, generation of electricity, or water heating.

Based on this definition, the following common solar energy systems would be considered solar energy systems:

- Photovoltaics (solar electric)
- Solar water heating for use within a building
- Solar water heating for space heating

3. Prohibition of Solar Energy Systems in Certain Locations as Allowed by North Carolina Law.

In accordance with N.C.G.S Section 22B-20(d), it is hereby prohibited at Starview Heights to locate, to install or to place solar collectors, that are visible by a person on the ground:

- 1) On the façade of a structure that faces areas open to common or public access.
- 2) On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or
- 3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

4. Approval for Solar Energy Systems Required.

No solar energy system can be installed or placed in Starview Heights without the express written approval of the Association's Board of Directors ("Board"). The Board shall have the authority to approve and to disapprove owner applications for the installation of solar energy systems in Starview Heights in accordance with these rules and regulations.

5. General Requirements and Restrictions for Solar Energy Systems.

a. All solar energy systems and solar collectors must be roof mounted. Owners are prohibited from installing any ground-mounted solar collectors on any lot at Starview Heights. The Association reserves the right to install ground-mounted solar collectors on Community Property for the benefit of the community.

b. All installations, maintenance, and repairs of solar energy systems shall be done by licensed contractors who engage in the installation and service of solar energy systems.

c. While the Board is not responsible for verification of equipment compliance with applicable governing regulations, requirements and standards, Owners of lots must submit for the Board's review only those solar energy systems that meet and satisfy all applicable governing regulations, requirements, and standards. Whether specifically stated in any Board written approval or not, all approvals are based on the condition that the system complies with all such governmental regulations, requirements, and standards.

d. The Board shall have the right to disapprove an application for a proposed solar energy system based on aesthetics pertaining to profile, size, mass, color, texture, material, and any other aesthetic criteria considered by the Board pursuant to the Declaration for Starview Heights ("Declaration") and any design Guidelines set out herein.

e. The Board shall review an application for a proposed solar energy system based on all requirements of the Declaration pertaining to the built structures on each lot, specifically as it relates to setbacks and heights.

f. The Board may require alteration or substitution of a solar energy system based on requirements of the Declaration as well as any other applicable rules.

g. The Owner of an approved and installed solar energy system shall properly maintain such solar energy system to ensure that it does not deteriorate or create visual and/or aesthetic nuisance as determined by the Board. Should the installed solar energy system not be properly maintained resulting in visual and/or aesthetic nuisance, the Board reserves the right to include, but not be limited to, fines, attorneys fees or other costs.

h. Should an installed solar energy system be no longer functioning, no longer in use or in violation of any governmental regulation or requirement, the Board may require an owner to maintain the solar energy system in a good, aesthetically pleasing condition pursuant to the Declaration as well as these rules, that may include the removal of a solar energy system if warranted and any removal shall include remedying the area of the removed system to its original state of compliance with the Declaration as determined by the Board .

i. Should an Owner install a solar energy system that has not been approved by the Board, the Board may recommend fines and require removal of such solar energy system at the Owner's expense and the Owner shall reimburse the Association for all expenses, including legal expenses and/or fines.

j. These rules and regulations shall be binding on all future owners of the home on which the solar energy system has been installed.

6. Design Guidelines.

a. All roof-mounted fixtures, features, and equipment for solar energy systems shall be maintained in accordance with the setbacks as required and concealed from neighboring view subject to review and approval by the Board.

b. All roof-mounted fixtures, features, and equipment for solar energy systems shall be within the wall line of the structure. However, the Board may require additional distance between a solar energy system and a roof edge if the roof overhang is minimal.

c. All roof-mounted solar energy systems and related construction shall be an integral part of the roof and have the appearance that they are “roof windows” serving the structure and should maintain the aesthetic nature of the existing structure. In instances of new construction or major remodels, solar energy systems shall be mounted flush with the roofing material and in the same plane of the roof on which the solar energy system is mounted.

d. The Board may ask for alternative combinations in smaller groupings when large areas of grouped solar panels or the solar energy systems are found not to be aesthetically satisfactory.

e. Panel material for solar energy systems should be dark in color and/or be consistent with the existing character of the structure.

f. A cover plate or the glazing for solar energy systems should be either transparent or consistent with the character of the structure.

g. Solar energy systems should be constructed of rigid materials or as approved by the Board.

h. All plumbing, electrical, and utility lines for the solar energy system shall be concealed from view, unless otherwise approved by the Board.

i. The Board reserves the right to seek and to consider the input/position of nearby Owners whose property may be impacted or affected by the installation of a solar energy system. It is recommended that Owners contact nearby neighbors to inform them about any plans for installation of a solar energy system to get support from nearby Owners in advance.

7. Application Procedures for the Approval of Solar Energy Systems.

a. Owners who want to install solar energy systems must make a written application to the Board.

b. The written application must contain the following information:

1. Name and address, email and/or phone number of the Owner(s).

2. Copy of Owner's Deed.

3. Name, address, and licensure information for installation contractor,

4. Estimated time for construction/installation.

5. Manufacturer's product information/literature for the proposal solar energy system.

6. Professional construction drawings shall be provided with the application. Drawings shall be to scale and should clearly show all elevations, assembly, and the attachment to the roof structure, and proposed location on the lot or building. Details that apply to the specific installation (plumbing, panels, attachments, etc.) shall also be provided.

7. Calculations by the installer shall be provided with the initial application verifying the number and/or area of panels required for the proposed solar energy system.

8. Photographs shall be submitted showing the location of the proposed solar energy systems and their visibility from neighboring structures and street(s).

c. The Association may in its discretion establish an application administration fee that must be paid by the Owner making an application for the installation of a solar energy system.

d. During the review process, the Board reserves the right to hire an outside consultant or expert, such as an architect, should the Board need advice in making decisions about any application. The costs of any such consultant shall be paid by the applying Owner. Prior to engaging any consultant, the Board will advise the Owner of its intentions to allow the Owner 15 days to amend the application if such amendment would resolve the Board's questions.

e. Prior to any decision by the Board with respect to any application, the Board shall schedule and hold a meeting to give all members the opportunity to ask questions about the application and express any opinion about the application.

f. Any decision by the Board to approve or to disapprove an application for installation of a solar energy system must be in writing. Any decision to disapprove an application will also state the specific reasons for disapproval.

g. The Board shall have sixty (60) days from receipt of a completed application to decide about any application. This 60-day period will only start to run from the date that the Board issues to the Owner a written receipt for a complete application. Incomplete applications will be returned to the Owner, and the Owner will be informed of any deficiencies or missing information.

h. During the 60-day review period the Owner should be available to the Board for answering questions and for considering any requested amendments to the application.

i. The decision of the Board with respect to all applications shall be final. The approval decision will include notice to the Owner of the allowed construction/installation period. It shall also include notice to the Owner of the following duties: a) maintain and repair the system; b) if the use of the system is discontinued, the Owner has the obligation to remove the system; and c) the Owner must inform any future owner of these ongoing obligations regarding the solar energy system.