

SILVER CUP ESTATES HOMEOWNERS' ASSOCIATION ARCHITECTURAL DESIGN GUIDELINES

Addendum regarding Solar Panels

Solar panels/collectors must be well integrated into the overall building design and lot and be kept within the lot. Shingle style solar panels may be considered. They must be installed by a professional, licensed contractor, who must obtain the necessary building permit(s) from Fauquier County, Virginia in this regard. Include the contractor's name and information on the ARC request. Solar panels must be flush mounted to ONLY the rear side of the roof and not extend above the roof. Limit size to within current net metering code limitations. Installation to be parallel to the roof line. Wiring components to be concealed as much as possible and secured. Panels cannot encroach on vertical planes of property lines (other homeowner's roofs).

The homeowner is responsible for the maintenance of the panels and for carrying insurance on the panels. If the owner moves and takes the panels, the roof must be restored to its original condition. If panels stay with the property, the new property owner must accept responsibility for the maintenance and insurance.

Any request for placement of solar panels other than on the rear roof will require the homeowner to provide the ARC additional documentation that the restriction is not reasonable under the provisions of Code of Virginia, Title 55.1-1820.1. (Effective October 1, 2021) Installation of solar energy collection devices.

Adopted this 25 day of April, 2022.

Silver Cup Homeowner's Association, Inc.

A handwritten signature in black ink, appearing to read 'Kim Acres', written over a horizontal line.

Kim Acres, President, SCEHOA

§ 55.1-1820.1. (Effective October 1, 2021) Installation of solar energy collection devices

A. As used in this section, "solar energy collection device" means any device manufactured and sold for the sole purpose of facilitating the collection and beneficial use of solar energy, including passive heating panels or building components and solar photovoltaic apparatus.

B. No association shall prohibit an owner from installing a solar energy collection device on that owner's property unless the recorded declaration for the association establishes such a prohibition. However, an association may establish reasonable restrictions concerning the size, place, and manner of placement of such solar energy collection devices on property designated and intended for individual ownership and use. Any disclosure packet pursuant to § 55.1-1809 given to a purchaser shall contain a statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on his property.

C. A restriction shall be deemed not to be reasonable if application of the restriction to a particular proposal (i) increases the cost of installation of the solar energy collection device by five percent over the projected cost of the initially proposed installation or (ii) reduces the energy production by the solar energy collection device by 10 percent below the projected energy production of the initially proposed installation. The owner shall provide documentation prepared by an independent solar panel design specialist, who is certified by the North American Board of Certified Energy Practitioners and is licensed in Virginia, that is satisfactory to the association to show that the restriction is not reasonable according to the criteria established in this subsection.

D. The association may prohibit or restrict the installation of solar energy collection devices on the common elements or common area within the real estate development served by the association. An association may establish reasonable restrictions as to the number, size, place, and manner of placement or installation of any solar energy collection device installed on the common elements or common area.

2006, c. 939, §§ 67-700, 67-701; 2008, c. 881; 2009, c. 866; 2013, c. 357; 2014, c. 525; 2020, cc. 272, 795; 2021, Sp. Sess. I, c. 387.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.