

Heights of North Park Homeowners Association

Policy Resolution #4

Installation of Solar Systems, Panels and Components

WHEREAS, Article 2, Section 2.01 of the Declaration of the Heights of North Park Homeowners Association (“Association”) provides all present and future owners and tenants, their guests, licenses, servants, agents, employees, and any other person or persons that shall be permitted to use the Facilities of the Community Association, shall be subject to this Declaration, the By-Laws and to the Rules and Regulations as may be issued by the Board of Directors of the Community Association from time to time to govern the conduct of its members. Ownership, rental, or occupancy of any dwelling unit or lot in the Community shall be conclusively deemed to mean that said owner, tenant or occupant has accepted and ratified this Declaration, and the rules, the “By-Laws” and Regulations of the Community Association and will comply with them.

WHEREAS, Article 9, Section 9.03 of the By-Laws of the Association provides that the Board of Directors have authority to establish an Environmental Protection Board. This Committee shall review all plans, drawings, and specifications showing the kind, nature, shape, height, materials, and location of proposed exterior additions, changes, or alterations of all dwellings or lots to determine are in compliance with rules and regulations promulgated by the board of directors.

WHEREAS, it has been noted that there is a need to further clarify rules and/or guidelines in the Association’s consideration of proposals to change or alter homes or property specifically for the installation and use solar systems, panels and equipment for use in generating energy for either direct use in the home or for external sale.

WHEREAS, there are no current applicable Federal, State or Local laws or ordinances regarding Solar Access (defined as the ability to install solar energy systems on residential and commercial property) or Solar Easements (defined as ability of one property to continue to receive sunlight across property lines without obstruction from another’s property, including buildings, foliage, or other impediments) rights for home or property owners in the Community that override or supersede the Association by-laws, rules or restrictive covenants, which in turn permits the Association to consider requests for these property changes or alterations based on its Environmental Protection Board considerations of Community aesthetics, safety and property values.

WHEREAS, the technology, efficiency and costs related to current home solar system products are changing rapidly and could have a significant near-term positive aesthetic impact as the solar collection components are directly imbedded into standard home structural products such as roofing tiles, windows, and other products (“Integrated Energy Products”). These product changes, recently being made available to homeowners, make the equipment required to generate energy significantly less visible to the Community, as compared to most products today that are large, external protuberances to the existing home structure (“Non-Integrated Energy Products”), and can generally be considered by Community members as unsightly, inconsistent with aesthetics guidelines of the neighborhood, and potentially have higher safety risks.

WHEREAS, the placement of homes in the Community are at varied elevations and are visible from multiple streets and/or surrounding neighbors' homes, which makes it difficult to provide a single solution or set of guidelines that will limit any undesirable sight-line impacts of Non-Integrated Energy Products.

WHEREAS, The Board of Directors wishes to expand upon the Declarations, Covenants, Conditions, and Restrictions applicable to phases I, II, III, IV, V, and VI to include further clarification of its consideration of home and/or property changes and alterations related to the installation and use of solar systems, solar panels and equipment.

THEREFORE, BE IT RESOLVED that the following guidelines shall be followed regarding the review of requests home and/or property changes and alterations related to the installation and use of solar systems, solar panels and equipment within the Heights of North Park Community.

- 1) Non-Integrated Energy Products solar panels cannot be installed on property grounds, walls, or roof of the house, or on any structure.
- 2) Integrated Energy Solar Products, with energy-capture componentry not significantly visible from ground level will be subject to standard aesthetics review requirements of the Association in similar products (example: windows, roofs, etc.).
- 3) Unless otherwise required due to changing legislation or ordinances, the Board has no obligation to require Community members, or the Association itself, to negotiate or agree to any Solar Easement proposals, nor will it address any claims of solar system sun impediments such as landscaping, buildings, etc. as long as the impediments being challenged are in compliance with existing Association rules regarding their existence.

JUNE
Adopted this 22 day of 2020
[Signature]
President
Jennifer Carlson
Secretary
[Signature]
Treasurer
[Signature]
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