

## **GUIDELINES PERTAINING TO SOLAR ENERGY SYSTEMS**

### **Solar Systems**

The Shelborne Greene Community Association, Inc. Board of Directors has adopted the following policies and guidelines applicable to the installation of residential solar power systems:

- A. For the purposes of these guidelines, the term “solar energy system” shall mean a solar photovoltaic device whose primary purposes is to use solar energy to produce electricity.
- B. All solar energy systems must be approved in writing by the Board prior to commencement of any installation activities. The owner must also obtain all necessary city/county permits to the extent such permits are required. Homeowners are urged to check with a contractor, engineer, or other professional to determine whether installation may impact their property warranties or other aspects of their structure. Approval of an owner’s installation is not a representation or warranty by the Board that the system chosen by an owner is safe or is compatible with the owner’s property. An owner assumes all risks associated with installation of a solar energy system.
- C. Solar energy systems may only be installed in locations approved by the Board. The Board may approve a ground based system if it is not visible to neighbors, the streets, or the public in general. Likewise, the Board may approve a roof based system if it is rear-facing and not visible to neighbors and the streets.
- D. Solar panels must have sufficient glare resistance as to not cause any reflection or a nuisance to other owners. All solar panels must be a non-reflecting black panel.
- E. Any exposed electrical conduit must be colored (e.g. powder coated) to be color-matched to the property. Electrical connections must be hidden to the extent possible and placed inconspicuously when viewed from all angles.
- F. The frame, support bracket, or visible piping or wiring must be a silver, bronze, or black tone commonly available in the marketplace, and to the extent possible color match the roof and solar panel system.
- G. If the system is installed in a fenced yard or patio, it must be fully enclosed so that the system is not visible from the street(s) or surrounding properties. Required visual screening for surface panels or other systems installed on a Lot may include, but are not limited to:
  - i. Shrubbery, trees or other noninvasive plant species; or
  - ii. Decorative fencing that meets the requirements of any local ordinance, the Declaration, and Association architectural guidelines applicable to fences.

- H. If a solar energy system is installed within a fenced yard or patio owned by the owner, no portion of the solar energy system may protrude beyond the top of the fence line.
- I. Depending on the location of the Lot and the intended style and location of the solar energy system to be installed, the Board may require additional screening to ensure minimal visibility from the streets and/or nearby Lots.
- J. The system must be professionally installed by a solar contractor. “Homemade” devices will not be approved.
- K. All equipment associated with the solar energy system must be properly maintained in a neat and attractive condition as determined by the Board.
- L. The owner’s application must include, at a minimum, the following:
- i. A “to scale” diagram prepared by the contractor installing the system showing where the system will be installed.
  - ii. Photos of the area in which the system will be installed.
  - iii. Material to be used, a manufacturer’s description of the system, pictures of the system, and colors of the system.
  - iv. Any other information the Board may require in connection with the request.
- M. At its discretion, the Board may, from time to time, apply other criteria for installation of solar energy systems based upon Lot location, harmony of design, visibility to other homes, suitability of materials and contractors, workmanship, and effect on property values. This means requests will be considered individually. What is approved for one Lot may not be approved for another if the Board, in good faith, believes those considerations and circumstances are substantially different. In general, however, the same guidelines will apply to all Lots.
- N. Other Alternative Energy Systems. No other alternative energy system, including, but not limited to windmills, wind turbines, geothermal systems, and other alternative sources of energy may be installed unless approved, in writing, by the Board. Such alternative energy systems are subject to the same application process as set forth herein for solar energy systems. The Board may, at its discretion, impose specific guidelines regarding the installation of alternative energy systems, including, but not limited to regulations as to size, style, type, and location. Additionally, the Board may, at its discretion, refuse to permit any installation of other such alternative energy systems.
- O. Enforcement. Any solar energy system installed without written approval of the Board or which is otherwise in violation of these guidelines, the Plat Covenants, or the Declaration may be removed by the Association. The Association may enforce these guidelines by any means available at law or in equity, and in the same manner as enforcement of the Declaration. The Association shall have the right to recover from the owner any costs incurred in enforcing these guidelines, including expenses, court costs and attorneys’ fees.

## **Owner's Right to Petition**

- A. Pursuant to Indiana Code 32-25.5-3.5, an owner may petition to other members of the Association for permission to install a solar energy system on his or her Lot if his or her request is denied. An owner who petitions other members must provide the other members with information regarding the following:
  - A. The site plan of the solar energy system to be installed, including:
    - i. The property boundaries;
    - ii. A description of the dwelling;
    - iii. The color of the solar energy system; and
    - iv. Any screening to be used, if the solar energy system is to be installed in a location other than on the roof of the dwelling.
  - B. The vendor and installer of the solar energy system.
  - C. The plans and specifications for the solar energy system, if requested by the other Association members.
- B. An owner who petitions other members must obtain signed consents from owners representing no less than sixty-five percent (65%) of the Lots. The owner must submit copies of the consents to the Board along with a copy of all information submitted to the members. The Board will then permit installation.
- C. Notwithstanding consents obtained from the members, the Board may deny an owner's request, or may require the removal of a previously-installed solar energy system, for any of the following reasons:
  - A. A court finds that the solar energy system threatens public health or safety or violates a law.
  - B. The system is to be installed on property owned or maintained by the Association.
  - C. The system is to be installed in a location other than:
    - i. The roof of (1) the dwelling of the owner installing the solar energy system; or (2) another structure approved by the Association; or
    - ii. A fenced yard or patio owned and maintained by the owner.

- D. The system will be mounted on the roof of the dwelling, and:
- i. Extends above or beyond the roof of the dwelling by more than six (6) inches;
  - ii. Does not conform to the slope of the roof and has a top edge that is not parallel to the roof line; or
  - iii. Has a frame, support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.
- E. The system will be installed in a fenced yard or patio rather than on the roof of a dwelling and is taller than the fence line.
- F. The system will be installed in a manner that voids material warranties.
- G. The owner installs the system in a manner that differs significantly from the manner of installation presented to the members.