

ISSUE #1

Section 1: [Section 4.18] Solar Collectors and Renewable Energy Devices

Solar panels and collectors may only be installed on rear-facing roof slopes that do not face any public or private street. All solar piping, conduit, and frames must be painted to match the roof surface, and the Architectural Control Committee may deny any solar installation that it determines detracts from the visual harmony of the neighborhood.

Section 2: [Section 4.14] Parking of Emergency and Service Vehicles

No commercial vehicle, emergency vehicle, ambulance, fire truck, or marked law enforcement vehicle may be parked on any street or driveway within Piney Creek overnight. All such vehicles must be stored completely inside an enclosed garage.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section 4.18 (p. 1): Prohibiting street-facing rooftop solar panels and allowing aesthetic denials that reduce solar output or increase cost.

Statutory / Legal Reference: C.R.S. § 38-30-168 & C.R.S. § 38-33.3-106.5(1.5)

Statutory Comparison: Under C.R.S. § 38-30-168 and C.R.S. § 38-33.3-106.5(1.5), an association may not prohibit renewable energy generation devices or enforce aesthetic guidelines (such as banning south-facing roof planes that happen to face a street) if those restrictions increase the cost of the solar device by more than \$1,000.00 or decrease its operating performance/efficiency by more than ten percent (10%).

CURRENT WORDING IN DOCUMENT:

[Section 4.18] Solar Collectors and Renewable Energy Devices - Solar panels and collectors may only be installed on rear-facing roof slopes that do not face any public or private street. All solar piping, conduit, and frames must be painted to match the roof surface, and the Architectural Control Committee may deny any solar installation that it determines detracts from the visual harmony of the neighborhood.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section 4.18 ([Section 4.18] Solar Collectors and Renewable Energy Devices - Solar panels and collectors may only be installed on rear-facing roof slopes that do not face any public or private street. All solar piping, conduit, and frames must be painted to match the roof surface, and the Architectural Control Committee may deny any solar installation that it determines detracts from the visual harmony of the neighborhood.) to conform with C.R.S. § 38-30-168 & C.R.S. § 38-33.3-106.5(1.5) and the manual attorney audit recommendations for Piney Creek Maintenance Association.