

ISSUE #1

MARKUP #1 ->

Section 1: [Architectural Review Manual, Section 4.18 (Alternative Energy Systems)] Solar Collectors and Roof-Mounted

No solar collectors, photovoltaic panels, or other rooftop energy equipment shall be installed on any roof surface visible from any street, golf course, or neighboring Lot unless the Architectural Review Committee determines in its sole aesthetic discretion that the installation is completely screened from view. Ground-mounted solar arrays are strictly prohibited on all residential Lots, and any approved rooftop collector must be mounted flush with the roof slope on a rear-facing elevation only, regardless of orientation or shading.



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Architectural Review Manual, Section 4.18 (Alternative Energy Systems) (p. 1): Clause prohibits or restricts solar energy systems in conflict with the Illinois Homeowners' Energy Policy Statement Act.

Statutory / Legal Reference: 765 ILCS 165/15, 165/20, 165/30 (P.A. 102-162)

Statutory Comparison: Under the Illinois Homeowners' Energy Policy Statement Act (765 ILCS 165/20), no deed restriction, covenant, or similar binding agreement running with the land may prohibit a solar energy system from being installed on a building erected on a lot or parcel covered by the deed restriction or covenant. Under 765 ILCS 165/20(c)-(d), an association may not bar solar panels visible from the street or require orientation changes that reduce production by more than 10%, and under 765 ILCS 165/30, the association must process a solar application within 75 days of submission.

CURRENT WORDING IN DOCUMENT:

[Architectural Review Manual, Section 4.18 (Alternative Energy Systems)] Solar Collectors and Roof-Mounted Energy Equipment Restrictions - No solar collectors, photovoltaic panels, or other rooftop energy equipment shall be installed on any roof surface visible from any street, golf course, or neighboring Lot unless the Architectural Review Committee determines in its sole aesthetic discretion that the installation is completely screened from view. Ground-mounted solar arrays are strictly prohibited on all residential Lots, and any approved rooftop collector must be mounted flush with the roof slope on a rear-facing elevation only, regardless of orientation or shading.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to the Illinois Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et seq.), the Association shall not prohibit the installation of a solar energy system on a qualifying roof or lot, shall not impose placement restrictions that reduce annual solar production by more than ten percent (10%), and shall process any complete solar installation application within seventy-five (75) days after submission.