

ISSUE #1

MARKUP #1 ->

Section 1: [Design Code (July 2018), Section 5.4 (Solar Collectors and Alternative Energy)] Architectural Prohibition of

Solar collectors may only be approved by the Design Review Committee if mounted completely flat on a rear-facing roof slope that is not visible from any public street, park, or golf course. The Design Review Committee shall deny any solar collector application on a front or side roof elevation regardless of lot orientation.



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with WI law.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under Wis. Stat. § 236.292 (Solar/Wind Access Rights); Wis. Stat. § 779.70 & Ch. 181 (2021 Wis. Act 199 HOA Notice Law) & Wis. Admin. Code DFI-CCS / ATP Ch. 134; 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

[Design Code (July 2018), Section 5.4 (Solar Collectors and Alternative Energy)] Architectural Prohibition of Solar collectors may only be approved by the Design Review Committee if mounted completely flat on a rear-facing roof slope that is not visible from any public street, park, or golf course. The Design Review Committee shall deny any solar collector application on a front or side roof elevation regardless of lot orientation.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1 to incorporate the mandatory statutory safe harbors of Wis. Stat. § 236.292 (Solar/Wind Access Rights); Wis. Stat. § 779.70 & Ch. 181 (2021 Wis. Act 199 HOA Notice Law) & Wis. Admin. Code DFI-CCS / ATP Ch. 134; 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.