

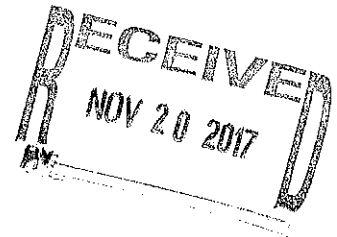


FRED BUCHOLZ

DUPAGE COUNTY RECORDER

OCT. 25, 2017 RHSP 11:23 AM
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RECORDING COVER PAGE

**AMENDMENT TO THE SECOND AMENDED AND
RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR OAKHURST
COMMUNITY ASSOCIATION**

**AMENDMENT TO THE SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
OAKHURST COMMUNITY ASSOCIATION**

This instrument, consisting of _____ (____) pages, is recorded for the purpose of amending the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "Declaration"), which was recorded on June 12, 2001 as document number R2001-115119 with the Recorder of Deeds, DuPage County, Illinois.

This Amendment is adopted pursuant to the provisions of Section 1-60 of the Illinois Common Interest Community Association Act (765 ILCS 160/1-60 (a)) in order to permit the Association to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) The text of this Amendment, which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds, DuPage County, Illinois.

PREAMBLE

WHEREAS, the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions was recorded on June 12, 2001 as document number R2001-115119 with the Recorder of Deeds, DuPage County, Illinois;

WHEREAS, the Board of Directors for Oakhurst Community Association, Inc., in compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) hereby adopts the Association's energy policy statement and includes the same within the terms, covenants and provisions of its Declaration;

WHEREAS, the Board of Directors for Oakhurst Community Association, Inc. desires to amend the Declaration to comply with current law;

WHEREAS, the Amendment has been approved by at least two-thirds of the members of the Board of Directors at a meeting called for that purpose.

NOW THEREFORE, the Declaration for Oakhurst Community Association, Inc. is hereby amended in accordance with the text that follows:

AMENDMENT

1. The Oakhurst Community Association Energy Policy Statement is attached hereto and incorporated herein.
2. The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration and Bylaws.
3. The language of this Amendment shall govern any conflicts between this document and the Declaration and its amendments.
4. Except as to the extent expressly set forth herein above, and as amended, the Declaration, By-Laws and Rules and Regulations shall continue in full force and effect without change.

END OF TEXT OF AMENDMENT

This instrument was prepared by:

KEAY & COSTELLO, P.C.
128 South County Farm Road
Wheaton, Illinois 60187

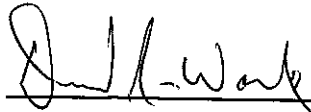
STATE OF ILLINOIS)
)
COUNTY OF DU PAGE) ss

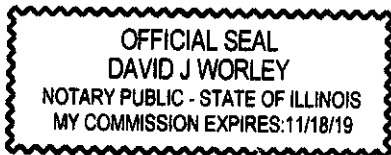
The undersigned is the President of Oakhurst Community Association, Inc., and by his/her signature below does hereby certify that this Amendment was approved by at least two-thirds of the members of the Board of Directors at a meeting called for that purpose.

EXECUTED this 11th day of October, 2017.

By: 
President

I, DAVID J. WORLEY, a Notary Public, hereby certify that on the above date, the above President of the Oakhurst Community Association, Inc., which President is personally known to me, appeared before me and acknowledged that, as such President, he/she signed this instrument as his/her free and voluntary act as said President for the uses and purposes therein set forth.

By: 



**OAKHURST COMMUNITY ASSOCIATION
ENERGY POLICY STATEMENT**

**Drafted
March 11, 2017**

Adopted by the Oakhurst Board of Directors

April 25, 2017

Oakhurst Community Association Energy Policy Statement

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Oakhurst Community Association Energy Policy Statement

1.0 Introduction

This document provides the Oakhurst Community Association, Inc. (further identified as "OCA") Policy Statement regarding installation of exterior installed Energy Systems in the subdivision of Oakhurst (further identified as "Oakhurst"), located in Aurora Illinois.

The intent of this document is to provide location, design and architectural requirements for the exterior installation of energy systems. The primary purpose of these requirements is to ensure protection of the aesthetic quality and value of Oakhurst properties, while allowing the required State of Illinois homeowner access to install such systems. Installation of energy systems, by design, will alter the external appearance of properties within Oakhurst. The rules established herein are intended to minimize, to the extent possible, the potential negative impact of such changes to property values.

The CC&Rs (Ref. 2.0c) Section XII.19, Energy Conservation Equipment, states "No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed unless it is an integral and harmonious part of the architectural design of a structure, as determined in the sole discretion of the appropriate committee pursuant to Article XI hereof." This Policy Statement clarifies this requirement by providing specific architectural and design requirements for such installations as approved by the Architectural Review Committee (ARC). The requirements of this document will be included in a revision to the Oakhurst Architectural Guidelines (Ref. 2.0e).

Illinois Public Act 096-1436 (Ref. 2.0a) provides that the Oakhurst Community Association "may determine the specific location where a solar energy system may be installed on the roof within an orientation to the south and within 45 degrees east or west of due south provided that the determination does not impair the effective operation of the solar energy system." The requirements contained in this document are designed to comply with these requirements.

Oakhurst Community Association Energy Policy Statement

2.0 References

- a. Illinois Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. Seq.), source Public Act 096-1436, Homeowners' Solar Rights Act
- b. City of Aurora Zoning Ordinances, Section 4.4-9, Alternative Energy Systems
- c. Second Amended and Restated Declarations of Covenants, Conditions and Restrictions for Oakhurst Community Association Inc. (CC&Rs), Adopted April 23, 2001
- d. Oakhurst Community Association Rules and Regulations, Amended July 24, 2007
- e. Oakhurst Community Association Architectural Guidelines, Modified April 27, 2010

Oakhurst Community Association Energy Policy Statement

3.0 General Requirements

The following general requirements apply to all types of exterior installed, residential (alternative) energy systems, further identified as "energy systems", within the scope of this document.

- a. Installation of all types of energy systems are considered a modification that require a formal request, ARC review, and formal approval, similar to modifications covered under Section III of the Architectural Guidelines (Ref. 2.0e).
- b. The requirements presented in the City of Aurora Zoning Ordinances (Ref. 2.0b) shall be adhered to. Where differences between the Zoning Ordinances and this document occur, the more stringent requirement shall apply.
- c. All requirements of the Federal Aviation Administration (FAA) shall be adhered to.
- d. Energy Systems shall not be illuminated, except as required by law or government agency, such as the FAA.
- e. Signs associated with the Manufacturer shall not be visible to surrounding properties or from the front of the residence.
- f. If installed energy systems become abandoned, the energy system equipment shall be removed at the Homeowners expense within 90 days. All systems that are inactive or inoperable for six (6) consecutive months are considered abandoned.
- g. If damage occurs to an energy system component that adversely affects its aesthetic appearance (i.e. hail storm damage to roof mounted solar panels, failure of the supporting system), repair and reinstatement of the aesthetic appearance shall be completed within 90 days.
- h. All energy systems shall be designed in accordance with the applicable codes and standards imposed by State and Local permitting authorities.
- i. Continuous inspections as specified in the Aurora Zoning Ordinances (Ref. 2.0b) shall be performed.
- j. The ARC shall determine the required documentation to be submitted for approval. These requirements shall be included in the Architectural Guidelines or on an approved Modification Request Form.
- k. Any alternative energy system shall only be installed by a professional contractor, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interest Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority.

Oakhurst Community Association Energy Policy Statement

4.0 Solar Energy Systems

Solar energy systems can be of the photovoltaic (PV) solar electric type, or of the hot water heating type. PV systems can be stand alone or grid connected. Oakhurst categorizes these into the following installation types:

- a. **Building Mounted Systems:** Defined as attaching to the exterior of the home over the existing exterior materials.
- b. **Building Integrated Systems:** Defined as replacing exterior home materials, such as shingles, siding, or windows.
- c. **Shade Structure Mounted Systems:** Defined as attaching to the exterior of shade structures. Shade Structures are structures that primarily provide shade to outdoor living spaces, such as patios, and may be free standing or attached to the home.
- d. **Freestanding Yard Mounted Solar Energy Systems:** Defined as being installed separately from any existing structure. OCA only allows freestanding yard mounted systems when solar access cannot be achieved with one or more of the other mounting systems.

4.1. Building Mounted Systems

- a. Building mounted solar energy collector panels may only be installed on home roofs.
- b. Solar energy collector panels may not be installed on front facing roof surfaces unless the front facing roof surface faces in the direction of south or +/- 45 degrees east and west of south.
- c. Roof mounted solar energy collector panels may not be installed on front face of garage roofs.
- d. Roof mounted solar collector panels shall be flush mounted parallel to roof surface with a maximum height above the roof surface of no greater than six (6) inches. Tilting or solar tracking solar panel mounting is not permitted.
- e. On each roof surface, panels shall be mounted in close proximity to each other so as to provide a smooth aesthetically pleasing appearance. Final design appearance shall be approved by the ARC.
- f. All mounting hardware shall closely match the color of the roof or be black in color.

Oakhurst Community Association Energy Policy Statement

- g. Consideration should be given to the condition of the roof, and its remaining life prior to installing solar collector panels on roof.
- h. Solar collector panels cannot be larger than the surface of the roof.
- i. Power cables and other electrical hardware shall be concealed to the extent possible. All plumbing lines shall be concealed to the extent possible.
- j. Installation over access paths to and from the home shall be designed so as to prevent snow and ice danger to people.
- k. Panels shall not be installed in a manner that creates a blinding reflection to surrounding homes or vehicles in surrounding streets.
- l. Specific design and location will be determined by ARC. Board of Directors approval may be required for some installations.
- m. Continuous inspections as specified in the Aurora Zoning Ordinances (Ref. 2.0b) shall be performed.

4.2 Building Integrated Systems

- a. Building integrated PV modules may be installed in place of standard building materials they are designed to replace.
- b. PV roof modules/tiles may not be installed on front facing garage roofs.
- c. The aesthetic appearance of modules/tiles shall conform to the standards of aesthetic quality in Oakhurst. Approval of this type of installation will be on a case by case basis depending on the aesthetic appearance and conformance to surrounding properties.
- d. Any mounting hardware if required shall closely match the color of the roof or be black in color.
- e. Installation over access paths to and from the home shall be designed so as to prevent snow and ice danger to people.
- f. Panels shall not be installed in a manner that creates a blinding reflection to surrounding homes or vehicles in surrounding streets.
- g. Continuous inspections as specified in the Aurora Zoning Ordinances (Ref. 2.0b) shall be performed.

Oakhurst Community Association Energy Policy Statement

4.3 Shade Structure Mounted Systems

- a. Solar collector panels may be mounted on structures installed over patios and decks for the purpose of providing shade.
- b. The solar collector panels shall be flush mounted parallel to roof surface with a maximum height above the roof surface of no greater than six (6) inches. Tilting or solar tracking solar panel mounting is not permitted.
- c. Panels shall be mounted in close proximity to each other so as to provide a smooth aesthetically pleasing appearance. Final design appearance shall be approved by the ARC.
- d. All mounting hardware shall closely match the color of the structure or be black in color.
- e. Solar collector panels cannot be larger than the surface of the structure roof.
- f. Panels shall not be installed in a manner that creates a blinding reflection to surrounding homes or vehicles in surrounding streets.
- g. Approval to install solar panels on shade structures will be evaluated on a case by case basis, based on aesthetic look and impact to surrounding properties.
- h. Power cables and other electrical hardware shall be hidden from sight of adjacent properties. If structure is not adjacent to residence, power cables shall be below ground from structure to residence.

4.4 Yard Mounted Freestanding Systems

- a. Freestanding systems can only be located in the rear yard. Location in side yards and front yards is prohibited. For corner lots, and lots that back up to public sidewalks, the systems cannot be installed within 25 feet of the public sidewalks.
- b. All parts of the freestanding system shall be set back at least 10 feet from the interior side and rear property lines. They shall not be located on public utility easements.
- c. Solar panels shall not be installed in a manner that creates a blinding reflection to surrounding properties or streets.
- d. The placement and size requirements of the Aurora Zoning Ordinances (Ref. 2.0b) shall be met unless more restrictive requirements are included herein.
- e. Landscaping around and under the freestanding system must be maintained in line with the reset of the yard and with community standards.

Oakhurst Community Association Energy Policy Statement

5.0 Other Energy Systems

a. The requirements for installation of Wind Energy Systems and Composting Systems may be developed at a later time following receipt of a request for installation however, until such time such requirements are created the OCA does hereby prohibit the installation, placement or construction of Wind Energy Systems and Composting Systems anywhere on the Property.

b. Rain Water Collection Systems

The installation of Rain Barrels is allowed in Oakhurst. The following requirements apply to the installation of Rain Barrels.

- Rain Barrels are not allowed in the front yards. If located in side yards, they must be screened from view from the street. For corner lots, Rain Barrels located in side yards must be screened from view from the street.
- It is recommended that rain water diverters be used so as to minimize alteration of existing downspouts. Alteration of the downspouts shall be esthetically pleasing.
- Rain Barrels shall have mosquito screening, and chemical treatment as required, to prevent mosquito breeding.
- Color shall be natural or to match siding, so as to blend in with the environment.
- Location, mounting height, and shape shall not present an eyesore, shall be aesthetically pleasing, and shall blend in with surrounding environment.
- If made of a material that can rust, they must be kept in a condition that is esthetically pleasing.
- If pumps are added, they shall be screened so as to not be visible by surrounding neighbors.

Oakhurst Community Association
Energy Policy Statement

6.0 Certification

OAKHURST COMMUNITY ASSOCIATION, INC.

STATE OF ILLINOIS

COUNTY OF DUPAGE

The undersigned is the President of the Oakhurst Community Association Board of Directors, and by his/her signature below does hereby certify that this document was approved by two-thirds of the members of the Board of Directors.

EXECUTED this 25th day of July 2017

BY: _____

DIRECTORS:

Chris Brown - President
Carrie Kelly
Amber Steen
Debra
Jeff Stano

EXHIBIT "A"

EXHIBIT "A"

UNIT 29 PHASE I

All Lots located within Fox Valley East Region II Unit No. 29 Phase I Oakhurst, being a subdivision of part of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded March 31, 1992 as Document R92-057694, in DuPage County, Illinois.

UNIT 29 PHASE II

All Lots located within Fox Valley East Region II Unit No. 29 Phase II Oakhurst, being a subdivision of part of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded November 3, 1992 as Document R92-210888, in DuPage County, Illinois.

UNIT 30

All Lots located within Fox Valley East Region II Unit No. 30 Oakhurst, being a subdivision of part of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded November 2, 1988 as Document R88-125537, in DuPage County, Illinois.

UNIT 33A

All Lots located within Fox Valley East Region II Unit No. 33A Oakhurst, being a subdivision of part of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded November 2, 1988 as Document R88-125538, in DuPage County, Illinois.

UNIT 33B

All Lots located within Fox Valley East Region II Unit No. 33B Oakhurst, being a subdivision of part of the northeast $\frac{1}{4}$ and the northwest $\frac{1}{4}$ of Section 30 and the southwest $\frac{1}{4}$ of Section 19, all in Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded June 12, 1990 as Document R90-072149, in DuPage County, Illinois.

UNIT 33C

All Lots located within Fox Valley East Region II Unit No. 33C Oakhurst, being a subdivision of part of the southwest $\frac{1}{4}$ of Section 19, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded August 11, 1993 as Document R93-179554 in DuPage County, Illinois.

UNIT 33E

All Lots located within Fox Valley East Region II Unit No. 33E Oakhurst being a subdivision of part of the northwest $\frac{1}{4}$ of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded October 30, 1998 as Document R98-226298 in DuPage County, Illinois.

EXHIBIT "A"

UNIT 34 PHASE I

All Lots located within Fox Valley East Region II Unit 34 Phase I Oakhurst, being a subdivision of part of the southwest ¼ of Sections 20, the northwest ¼ of Section 29, and the northeast ¼ of Section 30, Township 38 North, Range 9, East of the Third Principal Meridian according to the Plat of Resubdivision thereof recorded March 1, 1990 as Document Number R90-025935, in DuPage County, Illinois

UNIT 34 PHASE II

All Lots located within Fox Valley East Region II Unit 34 Phase II Oakhurst, being a subdivision of part of the south ½ of Section 20 and the north ½ of Section 29, Township 38 North, Range 9, East of the Third Principal Meridian according to the Plat thereof recorded September 20, 1990 as Document Number R90-124952, in DuPage County, Illinois and the Resubdivision of Lots 163-234 & Lot 236 recorded August 24, 1995 as Document Number R95-112668 in DuPage County, Illinois.

UNIT 35

All Lots located within Fox Valley East Region II Unit 35 Oakhurst, being a subdivision of part of the south ½ of Section 20, Township 38 North, Range 9, East of the Third Principal meridian according to the Plat thereof recorded June 12, 1990 as Document Number R90-072148 in DuPage County, Illinois.

UNIT 35 PHASE II

All Lots located within Fox Valley East Region II Unit 35 Oakhurst, being a subdivision of part of the south ½ of Section 20, Township 38 North, Range 9, East of the Third Principal meridian according to the Plat thereof recorded May 30, 1995 as Document Number R95-065227 in DuPage County, Illinois.

UNIT 37

All Lots located within Fox Valley East Region II Unit 37 Oakhurst, being a subdivision of part of the east ½ of Section 30, Township 38 North, Range 9, East of the Third Principal meridian according to the Plat thereof recorded November 8, 1989 as Document Number R89-141598 and certificate of correction recorded November 28, 1989 as Document Number R89-149407, in DuPage County, Illinois.

UNIT 41

All Lots located within Fox Valley East Region II, Unit No. 41 Oakhurst being a subdivision of part of the southeast quarter of Section 19 and part of the north half of Section 30, all in Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded June 12, 1990 as Document Number R90-072150, in DuPage County, Illinois.

EXHIBIT "A"

UNIT 41A

All Lots located within Fox Valley East Region II, Unit 41A Oakhurst being a subdivision of part of the southeast ¼ of Section 19 southwest ¼ of Section 20 northwest ¼ of Section 29 and northeast ¼ of Section 30, all in Township 38 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded January 17, 1992 as Document Number R92-009811, in DuPage County, Illinois.

UNIT 51

All Lots located within Fox Valley East Region II, Unit 51 Oakhurst being a subdivision of part of the south half of Section 20 north half of Section 29 and the northeast ¼ of Section 30, all in Township 38 North, Range 9, East of the Third Principal Meridian according to the Plat of 1st Resubdivision thereof recorded October 2, 1997 as Document R97-149267 and the Plat of 2nd Resubdivision thereof recorded October 2, 1997 as Document R97-149268, in DuPage County, Illinois.

UNIT 52

All Lots located within Fox Valley East Region II, Unit 52 Oakhurst being a subdivision of part of the southwest quarter of Section 20 in Township 38 North, Range 9, East of the Third Principal Meridian according to the Plat thereof recorded June 8, 1994 as Document R94-128614, in DuPage County, Illinois.

UNIT 52A

All Lots located within Fox Valley East Region II, Unit 52A Oakhurst being a subdivision of part of the southeast 1/4 of Section 19 and the southwest 1/4 of Section 20, all in Township 38 North, Range 9, East of the Third Principal Meridian according to the Plat thereof recorded March 11, 1994 as Document R94-060152, in DuPage County, Illinois.