

Homes Association of Cedar Hills

Board Policy

Ground Mounted HVAC Unit

Recitals:

- A. The Board wishes to adopt this policy to clarify the rules governing the installation of ground-mounted HVAC heating, ventilation, air conditioning, and heating oil tanks ("**HVAC Units**") within the Association.
- B. While this policy is intended to be consistent with federal law and the Washington County Development Code and Development standards, the Association's policy may be more restrictive.

Policy:

1. **Association Permit Required:** A building permit issued by the Association is required before the installation of any HVAC Unit. The application must depict the location of the house and property lines (with written setback dimensions), fencing, patios, walkways, and other pertinent areas of the property. The application must also depict the width, length and height of the proposed equipment or tank.
2. **Governmental Permit Required:** For equipment or tanks requiring a governmental permit, the applicant shall provide the Association with a copy of the approved permit(s) for their file prior to commencement of work.
3. **Noise Impact:** HVAC Units should be located away from neighbor's bedrooms and outdoor living space(s).
4. **Visual Impact:** HVAC Units should be placed in locations that best limit visual impact from the streets and from adjacent homes.
5. **Screening Required:** HVAC Units must be located in portions of yards that can be fenced under current Board policy and the Restrictions. In fenced yards, HVAC Units must be obscured from view. If the yard is not fenced, sight-obscuring fencing or screening, not less than the height of the permitted unit, must be installed to screen the HVAC Units from street view. The Board reserves the right to require fence screening if any approved landscape screening becomes inadequate to screen sight and sound or if the screening is not properly maintained.
6. **Setbacks:** HVAC Units must not be located within an Association easement (defined by Article VII(b) of the Restrictions to be 5-feet behind all side and rear property lines).
 - a. **Front yards and street side yards:** HVAC Units must be located behind the setback line (as established by Exhibit C of the Restrictions) and behind the front or street side corners of the house or garage/carport, whichever distance is more restrictive.
 - b. **Side yard:** HVAC Units should not be located less than 5 feet from the side property line.
 - c. **Rear yard:** HVAC Units should not be located less than 15 feet from the rear property line.
7. **Side Yards:** Where the side yard is not wide enough to locate an HVAC Unit while maintaining at least a 5-foot setback to the property line, the HVAC Unit must be located behind the home.
8. **Exception for Association Easements:** An exception allowing placement within the 5-foot Association easement may be granted by a vote of at least two directors of the Board. However, if the easement must be used by the Association, utility, or governmental entity, the owner must remove the HVAC Unit at the

owner's sole expense within 20 days of written notice from the Association. The notice will state the reason necessitating the need for removal for access to the Association easement. The Board, at its sole discretion, may permit the owner to restore the HVAC Unit, at the owner's sole expense, following the Association, utility, or governmental entity no longer requires access to the Association easement.

Date: April 11, 2023

Adopted by Board of Directors

Homes Association of Cedar Hills

Rex Wheeler, President