Guidelines for Solar Energy Devices

STATE OF TEXAS

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COUNTY OF BRAZOS

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WHEREAS, Pebble Creek Owners Association. (the "Association") is charged with administering and enforcing that certain Declaration of Easements, Restrictions, and Covenants for the Pebble Creek Development a/k/a/ Pebble Creek Subdivision recorded in Volume 1225, Page 1 of the Official Records of Brazos County, Texas, and all amendments, modifications and supplements thereto (the "Declaration"); and

WHEREAS, Chapter 202 of the TEXAS PROPERTY CODE has been amended to add Section 202.010 regarding the regulation of solar energy devices, effective June 17, 2011; and

WHEREAS, the Association's Board of Directors (the "Board") has determined that it is in the best interest of the Members and the Association to set forth clear, definitive guidelines regarding the regulation of solar energy devices within Pebble Creek Subdivision (the "Subdivision");

NOW, THEREFORE, the Board has duly adopted the following "Guidelines for Solar Energy Devices" (the "Guidelines"):

<u>Definition of Solar Energy Device</u>. For purposes of these Guidelines, the term "Solar Energy Devices" is defined as a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

<u>Architectural Control Committee Approval</u>. The installation of a Solar Energy Device requires the prior written approval of the Architectural Control Committee ("ACC"). Any person failing to obtain written approval from ACC before installation commences is deemed to be in complete breach of these Guidelines and shall not have his application approved.

<u>Location.</u> A Solar Energy Device is not permitted anywhere on a Lot except on the roof of the residential dwelling as designated by the ACC or on other permitted structures on the Lot or in a fenced yard or patio within the Lot. A Solar Energy Device must not be installed or located on: (i) property owned or maintained by the Association; or (ii) property owned in common by the Association's Members.

<u>Devices Mounted on a Roof.</u> A Solar Energy Device mounted on the roof of the residential dwelling or other permitted structure on a Lot:

- a. shall be a monocrystalline panel with a black back sheet;
- b. shall not extend higher than or beyond the roofline on which it is mounted;
- c. shall have a low profile roof mount, and must conform to the slope of the roof on which it is mounted and have a top edge that is parallel to the roofline on which it is mounted;
- d. shall have frames and support brackets that are bronze or black in color, as commonly available in the marketplace, to best match the color of the roof shingles. All unfinished hardware must be painted to match the roof shingles;
- e. shall have piping, connections, and/or wiring within the attic rather than on the exterior of the home;
- f. shall have flashing that is a color that will best match the color of the roof shingles along the bottom of the array as well as along the side of the array visible from the public street in front of the home; and
- g. shall be located on the area of the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the Solar Energy Device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory. Notwithstanding the foregoing, no Solar Energy Device may be installed on the front facing roof of the home.

<u>Visibility.</u> A Solar Energy Device and any related frame, brackets, support system, piping, and wiring located in a fenced yard or patio shall not be taller than or extend above the fence line of the fence enclosing the yard or patio.

<u>Warranties.</u> A Solar Energy Device must be installed in accordance with the manufacturer's instructions and shall not be installed on a Lot in a manner that voids material warranties.

<u>Limitations.</u> A Solar Energy Device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

<u>Installation.</u> Any and all persons involved with onsite installation must be licensed by the Texas Department of Licensing and Regulation. All individuals involved in moving modules onsite, installing the racking, securing modules, installing the AC/DC disconnect, installing conduit, and/or installing electrical tie-ins must be licensed. As per Texas State Law, all individuals on site involved with a Solar Energy Device installation must be working under the supervision of a Licensed Master Electrician. Proof of required licenses must be submitted to the ACC when plans are submitted for review.

<u>Removal</u>. A Solar Energy Device shall not be installed on a Lot and/or must be removed from a Lot if a court adjudicates that the Solar Energy Device: (a) threatens the public health or safety; (b) violates a law; or (c) or is violative of any other applicable portion of the Declaration.

<u>Plans.</u> Two sets of plans must be submitted to the ACC for review. Please note the ACC has 30 days to review plans, and written approval must be obtained prior to installation. Plans must include:

- A ground survey of the lot with the location of the home, easements, and building setbacks noted on the survey;
- Professionally drawn construction drawings shall be provided. Drawings shall be to scale and should clearly show all elevations, assembly, the attachment to the roof structure, and proposed location on the Lot or structure. Details that apply to the specific installation (plumbing, panels, attachments, etc.) shall also be provided;
- Calculations shall be provided verifying the number and/or area of panels required for the proposed Solar Energy Device;
- Photographs shall be submitted showing the location of the proposed solar energy systems and their visibility from neighboring structures and street(s); and
- A photograph of the Solar Energy Device as well as the manufacture's product literature; and
- Proof of required licenses.

These standards are effective upon filing in the Official Records of Brazos County, Texas.

Pebble Creek Owners Association, Inc., a Texas non-profit corporation

By:

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STATE OF TEXAS

WENDY SHAE SHAFFER
Notary Public, State of Texas
My Commission Expires
September 03, 2016

COUNTY OF BRAZOS §

This instrument was acknowledged before me on the 22 day of September 2014 by Michael W. Buckley, President of Pebble Creek Owners Association, a Texas non-profit corporation.

Filed for Record in: BRAZOS COUNTY

On: Sep 24,2014 at 09:03A

As a Recordings

Document Number: 01209059

Amount

32.00

Receipt Number - 523782 By: Ashlie Peters-Bowman

STATE OF TEXAS

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

Sep 24,2014

Karen McQueen, Brazos County Clerk