

ARCHITECTURAL RULES, REGULATIONS & GUIDELINES

SOLAR ENERGY DEVICES

I. Introduction

5.1 General Requirement for Prior Approval. No structure shall be placed, erected, or installed on any portion of the PROPERTY, no alterations of or additions to the existing landscaping, and no improvements (including staking, clearing, excavation, grading, and other site work, and exterior alteration of existing improvements) shall take place within the PROPERTY except in compliance with this Section and the Design Guidelines promulgated pursuant to Section 5.3. In addition to the construction of dwellings and other Buildings, it is specifically intended that placement or posting of other structures (e.g. fences, signs, antennae and satellite dishes, clotheslines, playground equipment, basketball hoops, pools, propane and other fuel tanks or devices (other than portable gas grills), lighting, temporary structures, solar devices, and artificial vegetation) on the exterior of any Lot or other portion of the PROPERTY shall be regulated by this Declaration and the Design Guidelines and require the approval of the appropriate Reviewer under Section 5.3. Modifications to the interior of specified, porches, patios, and similar portions of a Lot visible from outside the structures On the Lot shall be subject to this Section. No approval shall be required to repaint the exterior of a structure in accordance with the ordinarily approved color scheme. This Section shall not apply to Declarants activities nor to improvements to the Common Area by or on behalf of the Association. This Section shall not apply to activities of the City of Oklahoma City, Oklahoma performed on property owned by the City and used for public purposes so long as the City complies with the separate deed restrictions applicable to such property, if any. This Section may not be amended without Declarants written consent so long as Declarant owns any portion of the PROPERTY or any land subject to annexation to this Declaration.

These declarations are to protect every Homeowner's property value by ensuring a well-kept and desirous place in which to live, which includes aesthetics involving after-construction equipment added to a Lot or a house.

The laudable goal of saving energy and incorporating equipment and systems into and on to homes or lots which do so has resulted in increased interest in the installation and use of solar energy devices and equipment. The Association does not want to do anything to prevent use of such devices, but feels it is important to ensure that such equipment is reasonably controlled as to appearance and location of installation, so as to protect neighbors and the community as a whole from

unsightly equipment and/or installation. Accordingly, the purpose of these Rules about solar energy devices and equipment is to reasonably control use and location to protect home values and aesthetics in the community, without preventing their use.

II. POLICY

These rules, regulations and guidelines apply to all solar energy devices including without limitation solar panels and their associated components (**collectively referred to in this Rule as “devices” or “systems” or “equipment”**) which due to installation and use location are or may become “visible from neighboring property” above the fence line or other privacy barriers that may exist between neighboring yards and homes.

1. APPROVAL OF INSTALLATIONS

- a. Detailed plans for installation and placement of any solar panel / energy device must be submitted to the Architectural Committee for review and receive written approval from the Association prior to such installation.
- b. An illustrated brochure of the proposed system, which depicts the materials to be used, and drawings showing the location and number of collectors, the attachment to the roof structure, and the location of exterior system components, shall be submitted with the Architectural Request.
- c. An Oklahoma County Permit may be required for the installation of such device and ancillary equipment. The Association strongly suggests to Owner that he/she use an installer which is a licensed solar equipment contractor with the appropriate contractor's license. Owner is entirely and solely responsible for knowing what permits may be required and obtaining any such permits before installation begins.
- d. Homeowners are urged to check with their home builder or insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their structure. Neither the Architectural Committee nor the HOA Board of Directors is liable to the property owners from roof damage or for effects to roof warranties. The Association and its Board has no expertise or special knowledge regarding such systems and therefore the Association's approval for installation of any such device(s) or system is not a representation that the system chosen by an Owner is safe to use or is compatible with Owner's roof or other structures on the Lot or the Lot involved, and Owner assumes and bears all risks regarding installation and use of such a system.

2. TYPES

- a. Only commercially or professionally made devices are allowed. "Home-made" devices will not be permitted due to the safety and aesthetics aspects of such devices.
- b. Ground-mounted solar panels are permitted and are preferred.
- c. Roof-mounted or wall mounted solar panels are permitted so long as their installed location will not be seen from the street fronting the house. The Association realizes that for any houses located on corner lots where the back of the house or roof is visible from a side street, that installation of such devices on the back side roof may still be visible from the street abutting the side of Owner's lot, and installation on the back roof side of the house under these circumstances will not be considered a violation of these Rules).

3. LOCATION / PLACEMENT

Ground-Mounted Solar Panels

- a. The equipment must be installed in the rear yard with no portion of the unit exceeding six feet in height from the ground below it.
- b. Ground-mounted solar collectors shall be within the setback lines in accordance with City of OKC / HOA CC&R's and concealed from neighbor's view to the extent reasonably possible.
- c. No ground mounted devices or their components should be affixed to a block wall or wood fence.

Roof-Mounted Solar Panels

- a. Flush-mounted panels (i.e. – the plane of the array is parallel to the roof) on a roof facing a street will be allowed as directed in b. below. If panels are installed on a side or rear roof, the array may be tilted or raised if a variance is granted.
- b. If an alternative placement location is necessary in order for the energy device to reasonably work as intended (so that any loss of efficiency or capability is no more than 10%), the Architectural Committee will consider the ability of the device to properly work regarding its location. If the location which would be required under these Rules would result in the device losing 10% or more of its efficiency or energy generating capability, then the Committee may approve the Owner's preferred location if that location is truly necessary under the factors set out in this subsection. Solar panels should be installed as far as possible to the rear of the house or garage.

- c. Solar panels should be an integrated part of the roof design and mounted directly to the roof deck or if mounted on or over the existing roof tile, should be flush with the slope of the roof. Solar units must not break the roof ridgeline.
- d. Solar panels should be positioned as low as possible on the roof extending wider rather than higher on the roof plane. The solar panels, piping or any exposed part of the installation may not be higher than the roof peak.
- e. Visibility of devices and their components must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Architectural Committee.

4. CONSTRUCTION / FINISH

- a. All roof mounted equipment, (excluding the face of the solar panels), must match the color of the roof material. This includes wind turbines, solar skylights and other equipment. Exposed surfaces such as any frame or supports for panels but excluding the exposed collector panel face itself must be painted to match, or the color of the materials used must match, the surface on which it is mounted.
- b. All exterior plumbing lines shall be painted to match, or the color of the materials used must match, the color of adjacent roof material and walls. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings as much as possible.

5. MAINTENANCE

Homeowners will ensure that all surfaces of such devices or equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.

III. Infractions

Once a violation has been reported and confirmed, the violating homeowner shall be notified in writing, and, if not corrected in a timely manner, fines may be imposed and assessed according to Fenwick Rules and Regulations.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines will continue to be imposed and accrue while the legal action is in process if the homeowner remains in violation of this Rule or any other provisions of the Association's governing documents.

The opportunity to appeal the Board's decision is available under the Association's Rules and Regulations on "Appeal Process".

Any devices already installed prior to the adopted date of this policy are grandfathered-in; provided, however, that if the devices so grandfathered in are later replaced by another or newer device, the new device will be fully subject to compliance with this Rule.

IV. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

Dated and adopted by the Fenwick HOA Board of directors this 2nd of June, 2021.