

SOLAR ENERGY DEVICE POLICY
FOR AUSTIN'S COLONY HOMEOWNERS ASSOCIATION OF BRYAN, INC.

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BRAZOS §

WHEREAS, the Austin's Colony Homeowners Association of Bryan, Inc. ("Association") is charged with enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.010 ("Section 202.010") thereto regarding regulation of solar energy devices ("Solar Energy Devices"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy to regulate Solar Energy Devices consistent with Section 202.010 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *Solar Energy Device Policy*:

1. **Prohibited Solar Panels.** Solar Panels, as referred to herein, shall be defined as set forth in the Texas Tax Code, § 171.107. Solar Panels are prohibited in the following circumstances:
 - a. It has been adjudicated by a court that the Solar Panels are a threat to public health or safety, or violate a law;
 - b. Solar Panels that are located on property owned or maintained by the Association;
 - c. Solar Panels that are located on property that is owned in common by the members;
 - d. Solar Panels that are located on the owner's property, other than:
 - i. On the roof of the dwelling or another permitted structure;
 - ii. In a fenced yard or patio owned & maintained by the owner;
 - e. Roof-mounted Solar Panels that extend higher than or beyond the roofline;
 - f. Subject to Item "g" below, if roof mounted, is mounted in an area other than the back of the home;

- g. Roof-mounted Solar Panels that are located in an area other than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
- h. Roof-mounted Solar Panels that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
- i. Roof-mounted Solar Panels having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
- j. Solar Panels located in a fenced yard or patio that are taller than the fence;
- k. Solar Panels that, as installed, void material warranties; and
- l. Solar Panels that were installed without prior approval by the Association.

If the proposed Solar Panels do not fall within one of the above-prohibited categories, the Association may not withhold approval of the Solar Panels unless the Association determines in writing that placement of the Solar Panels, as proposed by the owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

2. **Board Approval.** Applicant's submission of plans must include a completed application for Architectural Control Committee ("ACC") review, a site plan and/or roof plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochure or sample of material, if applicable. The color of the materials being used in relation to the roof or house color, the visibility from public streets and neighboring properties/common areas and any noise created and/or light reflected are of specific concern to the Association. Formal written approval from the ACC shall be required before installation may begin.
3. **Other.** Any installation not in compliance with this Policy will be considered a deed restriction violation. This Solar Device Policy does not apply to property that is owned or maintained by the Association.

This policy is effective upon recordation in the Public Records of Brazos County, and supersedes any policy regarding solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Solar Energy Device Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Brazos County, Texas.

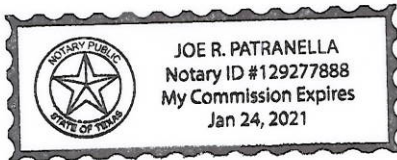
Approved and adopted by the Board on this 16th day of May, 2017.

AUSTIN'S COLONY HOMEOWNERS
ASSOCIATION OF BRYAN, INC.

By: Charles Grimes
President

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

BEFORE ME, the undersigned notary public, on this 16th day of May, 2017 personally appeared Charles Grimes, President of Austin's Colony Homeowners Association of Bryan, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Joe R. Patrella
Notary Public, State of Texas

Filed for Record in:
BRAZOS COUNTY
On: May 19, 2017 at 03:00P
As a
NO LABEL RECORDING
Document Number: 01297830
Amount 34.00
Receipt Number - 603029
By:
Patsy Montalbano
STATE OF TEXAS COUNTY OF BRAZOS
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.
May 19, 2017
Karen McQueen, Brazos County Clerk
BRAZOS COUNTY