

SOLAR ENERGY DEVICE GUIDELINES

WHEREAS, Section 202.010 of the Texas Property Code, as amended, precludes property owners' associations from adopting or enforcing a complete prohibition on solar energy devices; and

WHEREAS, pursuant to Section 202.010 of the Texas Property Code, the Board of Directors of **Tanglewood Estates Property Owners Association, Inc.**, a Texas nonprofit corporation, (the "Association") is permitted to adopt certain limitations on solar energy devices within Tanglewood Estates Addition, Phase 1A, an Addition to the City of Woodway, McLennan County, Texas (the "Subdivision").

RESOLVED, pursuant to the authority granted in Section 202 .010 of the Texas Property Code, as amended, the Board of Directors hereby repeals any and all prior restrictions on solar energy devices contained in any governing document of the Association which are inconsistent with Section 202 .010 of the Texas Property Code, as amended, and adopts the following guidelines to govern solar energy devices which shall run with the land contained within the Subdivision and be binding on all Owners and Tracts within the Subdivision.

- A. Pursuant to the authority granted by Section 202.010 of the Texas Property Code, as amended, solar energy devices, including, solar panels, are prohibited on any Tract within the Subdivision during the Development Period.
- B. After completion or expiration of the Development Period, solar energy devices, including solar panels, shall be restricted as hereinafter provided in these Solar Energy Device Guidelines.
- C. An Owner may not install a solar energy device that:
 - 1. as adjudicated by a court:
 - (a) threatens the public health or safety; or
 - (b) violates a law;
 - 2. is located on property owned or maintained by the Association;
 - 3. is located on property owned in common by the Members of the Association, including the Common Area and Facilities;
 - 4. is located in an area on the Owner's Lot other than:
 - (a) on the roof of the Living Unit or of another structure allowed under a dedicatory instrument; or
 - (b) in a fenced yard or patio owned and maintained by the Owner;
 - 5. if mounted on the roof of the Living Unit:
 - (a) extends higher than or beyond the roof line or is visible from the street in front of the Living Unit;
 - (b) is located (i) on any area other than the rear portion of the roof of the

Living Unit, or (ii) in an alternate area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Board of Directors of the Association or the Architectural Control Committee or similar committee created in the Declaration (as hereinafter defined) for such purposes or similar purposes;

- (c) does not conform to the slope of the roof and has a top edge that is not parallel to the roof line; or
- (d) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;

- 6. if located in a fenced yard or patio, is taller than the fence line;
- 7. as installed, voids material warranties; or
- 8. was installed without prior approval by the Board of Directors of the Association or by the Architectural Control Committee or similar committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

D. The definitions contained in the Association’s dedicatory instruments are hereby incorporated herein by reference, including, (a) Declaration of Protective Covenants, Conditions and Restrictions (“Declaration”) dated March 3, 2021, recorded on March 11, 2021, as McLennan County Clerk’s Document No. 2021008795 in the Official Public Records of McLennan County, Texas, pertaining to Tanglewood Estates Addition, Phase 1A, an Addition to the City of Woodway, McLennan County, Texas, and (b) the Bylaws of the Association.

FURTHER RESOLVED, that these Solar Energy Device Guidelines are effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

FURTHER RESOLVED, that to the extent these Solar Energy Device Guidelines contradict any previous guidelines, rules, covenants or restrictions, these Solar Energy Device Guidelines shall control and be controlling. These Solar Energy Device Guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules and guidelines in effect for the Association and the Subdivision.

IN WITNESS WHEREOF, the undersigned, being all of the Members of the Board of Directors of the Association, do hereby adopt these Solar Energy Device Guidelines to be effective as of, although not necessarily on, March 16, 2021, at a duly called open meeting of the Board of Directors of the Association.

DIRECTORS:



David Mercer



Aaron McMillan



Weldon E. Ratliff, Jr.

F:\Doc\lg\Ratliff WDA Development\Tanglewood\states\SolarGuidelines.wpd