

**ARCHITECTURAL REVIEW COMMITTEE (ARC)
SOLAR ENERGY SYSTEM REQUIREMENTS AND RESTRICTIONS
EFFECTIVE NOVEMBER 14, 2022**

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SECTION 1: INTENT AND PURPOSE

The Association recognizes the need and desire for renewable energy and to establish regulations for the exterior appearance of residential energy systems such as solar and wind energy systems located within Timber's Edge.

The Association recognizes that regulations are necessary for residential renewable energy systems in order to balance the goals and desires of Timber's Edge while maintaining high- quality standards of esthetics and architectural harmony.

The Association further recognizes that residential renewable energy is a growing and changing industry and that as such energy technology changes revisions to the regulations set out in these Requirements and Restrictions may be necessary or desirable.

The Board of Directors of the Association desires to establish these guidelines for the regulation of residential renewable energy systems to provide clear and definitive guidance to Timber's Edge Owners.

It is the specific intent and purpose of these Requirements and Restrictions to allow the use of certain residential solar energy systems and materials, and to regulate the esthetic factors of such systems and materials.

SECTION 2: DEFINITIONS

Capitalized terms not otherwise defined in these Requirements and Restrictions have the meaning assigned to them in this Section 2.

2.1 Solar Energy System.

A panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in (a) the heating or cooling of a structure or building; (b) the heating or pumping of water; or (c) the generation of electrical energy.

2.2 Photovoltaic ("PV")

Photovoltaic materials, products, and devices generate electricity directly from sunlight via an electronic process that occurs naturally in certain types of material, called semiconductors. Electrons in these materials are freed by solar energy and can be induced to travel through an electrical circuit, powering electrical devices or sending electricity to the grid.

2.3 Building-Integrated Solar Energy System or Building-Integrated Photovoltaics ("BIPV")

A Solar Energy System that is designed and installed as a building component that is part of the exterior envelope of the building. The most common type of building-integrated photovoltaic products are solar shingles, solar roofing materials, and solar glass.

2.4 Roof-Mounted Solar Energy System

A Solar Energy System that is affixed to the roof of a principal or accessory building. The most common type of roof-mounted photovoltaic product is solar panels.

2.5 Ground-Mounted Solar Energy System

A Solar Energy System that is affixed to the ground surface of real property.

SECTION 3: APPROVAL OF INSTALLATIONS

No Solar Energy System shall be installed, attached, commenced, erected, altered, or placed onto or permitted to remain on any Unit or Lot in Timber's Edge unless complete plans, specifications and descriptions of the proposed Solar Energy System have been submitted to and approved in writing by the Association's Architectural Review Committee (the "Committee"). Submittal and review of each proposed installation shall be consistent with the Committee's rules and procedures set out in the Policies and Procedures, and in accordance with this Section 3.

3.1 Submittal of Installation Plans

The Owner shall complete the necessary application and submit to the Committee along with all required information as outlined in the application. In accordance with Section 6 of the May 2, 2000, Declarations of Restrictions Amendment, the Committee has 60 days to review and approve or disapprove an Owner application. Owners should note the allowed review period and submit the necessary application well in advance of their anticipated project start date.

3.2 Standard of Review by Architectural Review Committee

The Committee will review the submitted application for compliance with the standards and requirements set out in these Requirements and Restrictions as well as applicable standards and requirements in the Governing Documents. In accordance with Section 2.5 of the Policies and Procedures, the Committee reserves the right to require modifications to proposed designs, including deletion, addition, or relocation of design elements, in order to achieve compliance with the policies outlined in these Requirements and Restrictions and the Governing Documents.

3.3 Appeal of Decision by Architectural Review Committee

If any application submitted by an Owner is rejected by the Committee, the Owner may appeal such decision in accordance with Section 2.8 of the Policies and Procedures.

3.4 Residential Wind Energy Systems

Residential Wind Energy Systems, including but not limited to wind turbines, are not permitted.

3.5 Future Provisions

Should any part or all of the restrictions set forth in these Requirements and Restrictions be held by a court of competent jurisdictions to be unenforceable because it violates the First Amendment or any other provision of the United States Constitution, the Committee shall have the right to establish rules and regulations regarding location, size, landscaping and other aesthetic aspects of such projects



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SECTION 4: GENERAL REQUIREMENTS FOR RESIDENTIAL SOLAR ENERGY SYSTEMS

A Solar Energy System installed on any Unit or Lot must meet the following general requirements:

- a. Each Solar Energy System must be installed in conformance with all applicable governmental rules, laws, regulations, and ordinances, such as Overland Park Municipal Code. § 18.390.140, including but not limited to applicable zoning, building, and fire codes.
- b. No Solar Energy System installed on any Unit or Lot may threaten public health or safety, or violate any applicable law.
- c. Each Solar Energy System must be maintained in good repair and working order. Any Solar Energy System damaged, destroyed, or disused must be removed or repaired within ninety (90) days after such initial damage, destruction, or disuse.
- d. No Solar Energy System may be installed until the building plans and specifications have been submitted in writing to the Committee for review and have been approved in writing.
- e. Each Solar Energy System must be installed in compliance with manufacturer's instructions and in a manner which does not void material warranties. All Solar Energy Systems must be installed by a licensed contractor or installer.
- f. No Solar Energy System may be installed on any Unit or Lot until all permits and approvals required by law have been issued.
- g. All Solar Energy Systems must be a photovoltaic (PV) residential solar energy system.
- h. All Solar Energy Systems must be a Residential Roof-Mounted Solar Energy System or Building-Integrated Solar Energy System and meet the standards outlined in Section 5 and 6 hereof. Residential Ground-Mounted Solar Energy Systems are not permitted.

SECTION 5: STANDARDS FOR RESIDENTIAL ROOF-MOUNTED SOLAR ENERGY SYSTEMS

The following criteria shall be used by the Committee in reviewing the proposed installation of Roof-Mounted Solar Energy Systems. Each Roof-Mounted Solar Energy System must meet the following standards:

- a. Each Roof-Mounted Solar Energy System must meet the general requirements set out in Section 4 of these Requirements and Restrictions.
- b. Each Roof-Mounted Solar Energy System must be installed on the roof of the primary residential structure.



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- c. Each Roof-Mounted Solar Energy System must be placed on a rear-facing roof location, must be flush-mounted, and must be located in a position least visible from any street or common area. Roof-Mounted Solar Energy Systems should not be placed on a street-facing roof. Flush-mounted panels (the plane of the array is parallel to the roof) on a street-facing roof may be considered if documentation is provided from the solar contractor indicating the rear-facing location would reduce estimated annual energy production more than 30% when compared to a similar size alternative roof location (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [<http://pvwatts.nrel.gov>] or equivalent entity).
- d. Each Roof-Mounted Solar Energy System installed on a pitched-roof must be parallel to the plane of the roof or otherwise conform for the slope of the roof, and must not be greater than twelve (12) inches above the roof surface to which it is attached.
- e. Each Roof-Mounted Solar Energy System must not extend beyond the perimeter boundary of the roof section to which it is attached and must terminate such distance from the edge of the roof as required by any applicable building and fire codes.
- f. All Roof-Mounted Solar Energy System components (such as a solar energy panel frame, a support bracket, or any visible piping or wiring) must be painted to coordinate with the existing roofing material. Piping and electrical connections will be located directly under and/or within the perimeter of the panels, when possible, and placed as inconspicuously as possible when viewed from all angles.
- g. Except as set out in subsection (h) below, each Roof-Mounted Solar Energy System must not exceed the existing roofline in height.
- h. Except with respect to a Roof-Mounted Solar Energy System installed on a flat roof, each Roof-Mounted Solar Energy System must maintain the existing pitch of the roof. Each Roof-Mounted Solar Energy System installed on a flat roof may not exceed twenty degrees (20°) in pitch above the roof or be no higher than allowed by applicable zones, codes, or ordinances.

SECTION 6: STANDARDS FOR RESIDENTIAL BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS.

The following criteria shall be used by the Committee in reviewing the proposed installation of Building-Integrated Solar Energy Systems. Each Building-Integrated Solar Energy System must meet the following standards:

- a. Each Building-Integrated Solar Energy System must meet the general requirements set out in Section 4 of these Requirements and Restrictions.
- b. Each Building-Integrated Solar Energy System must be an integral part of the building surface [or surface of an improvement or feature ancillary to the building, such as, but not limited to awning, deck, or other feature of the residence].
- c. Any and all mounting hardware must be covered from street-view and located and placed as inconspicuously as possible when viewed from all other angles.



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- d. All Building-Integrated Solar Energy System components should be integrated into the design of the home and in harmony with the design concept for TIMBER'S EDGE. All components including exterior wiring, plumbing, and conduits must be painted a color to match the structural building components.

SECTION 7: VOLUNTARY SOLAR EASEMENTS

Pursuant to K.S.A. § 58-3801 and § 58-3802, Parties may voluntarily enter into solar easement contracts for the purpose of ensuring adequate exposure of a solar energy system. An easement must be expressed in writing and recorded with the register of deeds for that county. The written agreement must contain a description of the airspace in question and any term and/or conditions under which the solar easement is granted or terminated. Any solar easements desired by homeowners shall be initiated by the homeowner with the appropriate neighbor(s) and voluntarily entered into by all parties. Responsibility for drafting, agreement, filing, and enforcement of such voluntary solar easements will be that of the homeowners entering into the agreement