

**Unanimous Written Consent of Directors
of
Davidson Farms Homes Association, Inc.**
(in lieu of special meeting)

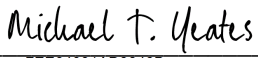
The undersigned, constituting all duly elected and acting Directors of Davidson Farms Homes Association, Inc., a Missouri Nonprofit Corporation (the "Association") organized pursuant to law, do hereby unanimously consent and agree to the following Association action the same as if such action had been unanimously approved at a duly called and held special meeting of the Board of Association (at which all Directors were present):

1. Background.

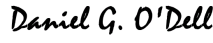
- A. Section 442.404 RSMo (effective January 1, 2023) provides that a homeowners' association (which includes Association, for housing located in the Davidson Farms development) may adopt reasonable rules regarding the rooftop placement of solar panels or solar collectors on any property or structure.
- B. The Board of Directors of the Association therefore desires to promulgate rules and regulations governing rooftop placement of solar panels or solar collectors (each a "Solar Energy System")
- C. The Board of Directors of the Association has caused preparation of such rules and same are attached hereto as the Solar Energy System Guidelines (the "Guidelines").

2. Adoption. Effective immediately, the Board of Directors of the Association hereby adopts the attached Guidelines.


Dated effective at December 6th, 2022.

DocuSigned by:


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 Michael T. Yeates, Director

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 Daniel G. O'Dell, Director

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 John R. Davis, Jr., Director

**Being all Directors of
Davidson Farms Homes Association, Inc.**

Solar Energy System Guidelines
(Davidson Farms Development-All Plats)

1. **Introduction.**

- a. The installation of energy saving devices into and on homes in the Davidson Farms Development is commendable in the context of saving energy and preserving the environment. Solar panel installations are just one example of devices that meets this goal.
- b. These guidelines have been promulgated by the Association and are applicable for “Homeowner” (defined below) installation of a “Solar Energy System” (defined below).
- c. These guidelines are to be used by a Homeowner when soliciting bids from contractors and by the “DRC” (defined below) when reviewing installation applications. The guidelines have been adopted recognizing the desire of Homeowner’s to install solar panels and the needs of the Association to maintain consistency in installations and minimize the impact solar panels have on both the use and enjoyment of common areas, privately owned lots and right of ways, and of the aesthetic look of the community “rooftops”.

2. **Definitions.**

- a. Association. Davidson Farms Homes Association, Inc., a Missouri Nonprofit Corporation.
- b. Homeowner. The record owner of a lot and residence upon which installation of a Solar Energy System is sought.
- c. DRC. The Design Review Committee established pursuant to the “CCRs” defined below.
- d. CCRs. The Declaration of Covenants, Restrictions, Easements, Charges, Assessments and Liens for Davidson Farm recorded in the office of the Clay County, Missouri, Recorder of Deeds in Book 8553 at Page 68, as subsequently amended and supplemented.
- e. Solar Energy System. Any rooftop mounted solar collector, solar panel, solar array, other solar energy device or any structural design feature of a Homeowner’s residence whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating. The following common Solar Energy Systems shall, without limitation, be considered Solar Energy Systems:
 - i. Photovoltaics (solar electric).
 - ii. Solar water heating for use within a building.
 - iii. Solar water heating for space heating.
 - iv. Solar pool heating.

Other fixtures, features and equipment associated with solar energy systems shall also be considered a part of the system including, but not limited to, ducts, piping, conduits, wiring, panels, water tanks, and collectors.

3. **General Provisions Governing Installation of Solar Energy System**

- a. While the DRC is not responsible for verification of a Solar Energy System’s compliance with any and all applicable governmental regulations, requirements and standards, the DRC shall require that all Homeowners submit, for DRC review, only those systems which meet and satisfy any and all applicable governmental regulations, requirements and standards.
- b. Whether specifically stated in the DRC’s written approval, all approvals are based on the condition that the Solar Energy System shall comply with all such governmental regulations, requirements and standards.
- c. By submitting an application for approval of a Solar Energy System, Homeowner acknowledges there may be State, County, City, and utility company requirements (applications, permits, approvals, etc.) for which the Homeowner is solely responsible.
- d. Approval for installation (by the DRC) of any Solar Energy System is not a representation

by either Association or DRC that the system chosen by Homeowner is safe to use or is compatible with Homeowner's roof, and Homeowner assumes and bears all risks regarding installation and use of such Solar Energy System.

- e. DRC shall review the application for approval of the installation or use of a solar energy system in the same manner as an application for approval of an architectural modification to the property, and as provided below.
 - f. DRC shall have the right to disapprove an application for a proposed Solar Energy System which does not comply with these guidelines.
 - g. DRC shall review an application for a proposed Solar Energy System based on all requirements pertaining to the Homeowner's lot, specifically as it relates to setbacks and heights.
 - h. Should a Homeowner install a Solar Energy System which has not been approved by the DRC, the DRC may require removal of such Solar Energy System at the Homeowner's expense, in addition to other remedies available at law, and the Homeowner shall reimburse Association for any and all expenses, including legal expenses and/or violation fines, required to enforce this guideline.
4. **DRC Approval Required.**
- a. No Solar Energy System shall be installed on Homeowner's lot or residence until plans for same (as provided below) have been submitted to and approved by the DRC as being in compliance with these guidelines.
 - b. Unless a variance for same is approved by the DRC in its sole and absolute discretion, any approved Solar Energy System may only be installed on the rooftop of Homeowner's residence.
5. **Solar Energy System Plan Submissions by Homeowner.** Homeowner's application for approval of a Solar Energy System shall be accompanied by plans for same consisting of:
- a. Scaled dimensioned roof plans (or 3D rendering equivalent) showing the entire roof including hips, valleys and ridges.
 - b. Scaled dimensioned roof plans (or 3D rendering equivalent) showing proposed panel locations on the roof including the dimensions of panels and setbacks from edge of roof.
 - c. Scaled dimensioned roof plans (or 3D rendering equivalent) showing routing of piping/conduit/piping on roof.
 - d. Scaled dimensioned roof plans (or 3D rendering equivalent) showing where piping/conduit/piping penetrates eaves and roof.
 - e. Scaled dimensioned wall plans (or 3D rendering equivalent) showing the wall(s) where pipes/conduit/piping will go up wall to roof.
 - f. Scaled dimensioned roof plans (or 3D rendering equivalent) showing all vents/obstacles on roof that will be in between solar panels.
 - g. One or more photographs of existing roof upon which a Solar Energy System is to be mounted, as well as wall(s) where pipes/conduit/piping will go up wall to roof.
 - h. Manufacturer's brochure for the Solar Energy System to be installed.
6. **Design Guidelines**
- a. Reflectivity. Solar panels shall be installed so as to not reflect light, glare or heat into neighboring homes and yards, common areas, or public rights of way.
 - b. Mounting.
 - i. Except as provided below, solar panels shall only be installed on the rear-facing roof elevation (i.e., that elevation which is not visible from adjacent street in front of, or beside, the Homeowner's residence).
 - ii. 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, 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 guidelines so long as approved by the DRC.

- iii. Notwithstanding the foregoing, a variance from these guidelines for flush-mounted panels on a roof elevation visible from a street adjoining the front elevation of Homeowner's residence shall be granted if reasonable documentation is provided to Association (by a solar contractor reasonably acceptable to DRC) that such is the only feasible location for mounting of a functional Solar Energy System.
 - iv. Any form of ground-mounted Solar Energy System shall not be allowed.
 - v. Panel material for Solar Energy Systems shall be consistent in color with the roof upon which the Solar Energy Systems are mounted. Where panel grids (holding the solar panels) are aluminum, the surface of such aluminum grids shall be anodized, rather than painted, the same color as the roof on which the Solar Energy System is mounted.
 - vi. Roof-mounted panels shall be laid out in a symmetrical rectangle or square pattern and shall have the perimeter squared off with filler material to eliminate asymmetrical edges.
 - vii. Plumbing vents shall be painted black, when between panels, and shall have gaps filled.
 - viii. All plumbing, electrical, and utility lines for the Solar Energy System shall be concealed from view, except as otherwise permitted by these guidelines.
 - ix. Conduit/piping abutting located on the rooftop shall be painted to match roof color.
 - x. Conduit/piping going up a wall shall be bundled together and painted to match the adjoining wall surface.
 - 1. Conduit/piping shall be tight against drain spouts when a drain spout is on the wall being used.
 - 2. Conduit/piping shall go through eaves; not around.
 - 3. Conduit/piping should penetrate the roof, to the extent possible, and be contained within the structure of the residence. Conduit/piping which cannot be concealed shall be painted to blend with the color of the adjacent surface. Conduit/piping will have single routing from panels and run tight against the panels to the point where it penetrates the roof. Conduit/piping must not run across the roof faces or over ridges, valleys or hips, but rather shall go through the roof (and be concealed below the roof). Filler strips should be used between panels to fill any gaps and hide the roof.
 - xi. Solar panels shall have end caps where an end is visible.
 - xii. Mounting brackets shall be painted to match panel color or roof as directed by the DRC.
 - xiii. Piping and electrical connections shall be located directly under and/or within the perimeter of the panel, and shall be invisible from all street angles.
 - xiv. Solar panels shall be mounted on the same plane as the roof slope/pitch on which the panels are installed. The installation profile should be as level as practical.
 - xv. No part of any installed solar panel shall project above the roof ridge/peak.
- c. **Mounting Angle.** Raised or tilted solar panels shall only be installed on the rear or side roof elevations, and only if same is specifically approved by the DRC in its sole discretion.
- d. **Variances.** Variances to these guidelines shall be granted by the DRC if required by law or if compliance with these guidelines would materially increase the purchase price of the Solar Energy System or materially decrease its performance or efficiency. If a Homeowner seeks a variance, such Homeowner must provide a minimum of two bids depicting the cost of installation of the Solar Energy System – one bid in compliance with these guidelines and a second bid depicting the desired alternative location, unless the variance represents the only feasible installation location for the Solar Energy System. The DRC, at Association's cost, may require bids or estimates from a second contractor in order to make an informed decision.

7. On-Going Maintenance of Solar Energy Systems.

- a. All painted and other surfaces of Solar Energy Systems shall be kept in good repair at all

times.

- b. All non-functioning Solar Energy System installations shall be repaired within 60 days after same become non-functional, or else same shall be promptly removed by Homeowner.
 - c. The Homeowner of the approved and installed Solar Energy System shall properly maintain such Solar Energy System to ensure that it does not create visual and/or aesthetic nuisance as determined by the DRC. Should the installed Solar Energy System not be properly maintained resulting in visual and/or aesthetic nuisance, Association reserves the right to enforce any of its rights under the CCRs to insure Homeowner compliance.
8. **Homeowner Acceptance, Indemnification and Acknowledgement.** As a condition to approval of Solar Energy System plans, each Homeowner shall sign a separate statement:
- a. Accepting sole responsibility for any solar glare from the Solar Energy System which impacts neighboring homes, or any other person or entity outside of Homeowner's lot; and
 - b. Indemnifying and holding Association and DRC harmless from:
 - i. any legal proceedings (including reasonable attorneys fees incurred by Association and/or DRC), and
 - ii. damages or injury to third persons (including, without limitation, any nuisance created by solar glare onto other properties and streets),resulting directly or indirectly from Homeowner's installation of an approved Solar Energy System; and
 - c. Acknowledging that DRC's approval of Homeowner's application for installation of a Solar Energy System shall not be construed as granting Homeowner a solar easement or other solar access over lands not owned or controlled by Homeowner.

End