

ISSUE #1

Section 1: [Article IX, Section 9.14] Solar Panels and Exterior Energy Devices

MARKUP #1 ->

No solar energy collector panels or attendant hardware shall be installed on any roof elevation visible from any street, common ground, or neighboring Lot, and the Board of Trustees may deny any solar installation that would be visible from any public right-of-way even if no alternative roof orientation achieves comparable solar production.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article IX, Section 9.14 (p. 1): Renewable Energy, EV Charging, Standby Generator, Hurricane Protection, Drought Landscaping, or OTARD Conflict: Clause restricts street-facing solar collectors, EV charging stations, standby generators, hurricane shutters, drought-tolerant xeriscaping, gardens, clotheslines, or wildfire defensible space in conflict with MO law.

Statutory / Legal Reference: Mo. Rev. Stat. § 442.404 (SB 823 Solar Panel Protection); Mo. Rev. Stat. Ch. 355 & Common-Law Covenants; 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under Mo. Rev. Stat. § 442.404 (SB 823 Solar Panel Protection); Mo. Rev. Stat. Ch. 355 & Common-Law Covenants, covenants and architectural rules may not ban street-facing solar collectors where required for south/east/west orientation, prohibit EV charging stations in garages/driveways/carports, ban permanent standby generators or code-approved hurricane shutters, mandate irrigated turf in violation of water-wise landscaping statutes, or penalize wildfire defensible-space clearing.

CURRENT WORDING IN DOCUMENT:
[Article IX, Section 9.14] Solar Panels and Exterior Energy Devices - No solar energy collector panels or attendant hardware shall be installed on any roof elevation visible from any street, common ground, or neighboring Lot, and the Board of Trustees may deny any solar installation that would be visible from any public right-of-way even if no alternative roof orientation achieves comparable solar production.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section Article IX, Section 9.14 to permit solar energy systems (including street-facing orientations within statutory efficiency safe harbors), EV charging stations, standby generators, hurricane protection, water-wise xeriscaping, solar drying lines, and OTARD antennas in accordance with Mo. Rev. Stat. § 442.404 (SB 823 Solar Panel Protection); Mo. Rev. Stat. Ch. 355 & Common-Law Covenants.