

Stonecrest Homes Association (Association) Board Ancillary Construction Rule on Solar Power Projects

Dated: 09Aug2021

City of Saint Joseph Ordinances referenced in this document are maintained by the City of Saint Joseph. Hyperlink [here](#).

- 1) Unless detailed in the restrictions, the Association is not allowed to be more restrictive in approving solar power projects than what is listed in the City of Saint Joseph Missouri Code of Ordinances (Sec 31-366.a)
 - a. Solar panels are not specifically addressed in the current Association restrictions
 - b. Association Restrictions #6 is the most apt regarding new roof-mounted solar panel installations
 - c. Ground mounted systems would be addressed as accessory buildings under Stonecrest restrictions #1 and #6.
- 2) Sec 31-369 and Sec 31-370 detail height and location restrictions for roof and ground-mounted solar panel systems, respectively (Summary below – More detail in the Ordinance)
 - a. Roof / Wall systems
 - i. Must be less than 3 feet about the existing roof (31-369.b)
 - ii. Remain within the existing roof outline (31-369.c)
 - iii. If visible from street, remain parallel to the roof surface (31-369.d)
 - iv. Document evidence of capacity to handle load (31-369.e)
 - b. Ground systems
 - i. Not in front yard (31-370.b.2)
 - ii. Support structures screened from view for all adjacent properties (31-364)
 - iii. Are considered accessory, or separate, structures (31-370.c.1)
 - iv. As separate structures, they can be addressed per Association Restrictions #1 and #6
- 3) Solar panel installation can be a cause of conflict with surrounding homes
 - a. Installation of solar panels in other Saint Joseph, Missouri, homes associations has been identified as potentially depreciating the values of neighboring homes (https://www.newspressnow.com/news/local_news/judge-rules-against-homeowner-in-solar-panel-case/article_9b119670-e83b-570f-a28d-97b3009d7f24.html)
 - i. This case resulted in several 10's of thousands of dollars in legal fees for owners, neighbors, and the association
 - b. Solar panels have been associated with home fires
 - i. This risk is not well defined, but has led to some areas restricting firefighting activities on homes with solar panels
 - ii. Per City of Saint Joseph Fire Department, the risk is mitigated if the installation is done by professional installers following pertinent city ordinances
 - iii. Presence of solar panels could still be interpreted by neighbors as increasing their personal risk
 - c. Solar panel installation can make homes more difficult to sell, particularly with older systems

- i. The need for periodic cleaning, system performance degradation over time, and repairs can be viewed negatively by potential buyers
 - d. Solar panels, due to their reflectivity, can have negative impact on neighbors beyond adjoining properties
 - i. Any property with line-of-sight to the solar panels may consider themselves to be impacted by solar panel installations
 - ii. The property covered by the Association is hilly in some areas, so line-of-sight may not be strictly limited to adjoining properties
- 4) Court cases are expensive for homeowners, neighbors, and potentially for the Association as either the owner of the solar panels or impacted neighbors can sue in either direction
 - a. The Association has a long history of working to maintain or improve the values of homes within Stonecrest
 - b. The Association, in keeping with neighborhood harmony, does not wish to sue owners nor have owners suing the Association or each other
- 5) As documented potential outcomes of solar panel installations are lawsuits brought by neighbors with line-of-sight to the solar array and these suits may include the Association. The Association's long-standing effort to promote a harmonious existence with homeowners necessitates that:
 - a. Based on the Twelve Oaks case linked above
 - i. Installation of panels may cause solar reflections into neighbor's windows, requiring them to close the curtains and losing the ability to see out the windows during these times
 - ii. Panel installation may reflect sun light and heat the neighbor's walls and/or windows excessively, increasing cooling costs during the Summer
 - iii. Potential buyers of neighboring properties may view the above negatively, reducing the perceived value of the neighboring property
 - b. Neighboring property owners and those properties with line-of-sight to the proposed solar panel installation should agree to the project before initiation
 - i. Agreement must be in writing
 - ii. Signed by both parties
 - iii. Dated
 - c. The agreements must be filed by the property owner installing the solar panels as part of the property title
 - i. Such agreements must be maintained while the solar panel installation exists
 - ii. These agreements are similar in concept to an easement or common fence
 - d. These agreements will carry forward through any future sale / purchase of the properties in question