

**POLICY RESOLUTION OF
PECAN GROVE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.**

DATED: September 19 , 2024

WHEREAS, Pecan Grove Plantation Property Owners Association, Inc. is a Texas Non-Profit Corporation governed by the Texas Property Code, and more specifically Chapter 202, *et seq.*; and

WHEREAS, Pecan Grove Plantation Property Owners Association, Inc. is given authority to promulgate a Policy to regulate operation and installation of Mini-Split Air Conditioners under Texas Property Code § 202.004 *et seq.* as well as by Article II of the By-Laws for Pecan Grove Plantation Property Owners Association, Inc.;

Said Policy regarding the aforementioned items and improvements stating as follows:

POLICY REGARDING MINI-SPLIT AIR CONDITIONERS

Article I: Installation and Use

- 1.1 A Mini-Split Air Conditioner ("Mini-Split"), is defined as a device that supplies conditioned and heated air to one or more rooms of a building, usually without ducts and in a decentralized manner.
- 1.2 Generally, Mini-Splits have two main components: an outdoor compressor/condenser, and an indoor air-handling unit. A conduit, which houses the power cable, refrigerant tubing, suction tubing, and a condensate drain, links the outdoor and indoor units.
- 1.3 Prior to any such installation, an Owner must submit a detailed plan for the installation of such Mini-Split Air Conditioner. Such plan must contain:
 - a. A specification sheet for the proposed Mini-Split Air Conditioner, including the brand, make, model, SEER rating, efficiency, outdoor noise ratings, and dimensions;
 - b. Location of the Mini-Split Air Conditioner, including a graphic depiction (i.e. scale drawings) showing location, number, size, make and manufacturer of any such Mini-Split Air Conditioner;
 - c. An electrical diagram showing the proposed installation method of the Mini-Split Air Conditioner.

Article II: Installation and Operation Regulations

- 2.1 **General Regulations:** Any Mini-Split Air Conditioner owned, operated, installed or maintained within the Association must comply with all manufacturer's specifications, and all applicable governmental health, safety, electrical, and building codes.
- 2.2 **Professional Installation Required:** Any Owner seeking to operate, install or maintain a Mini-Split Air Conditioner within the Association must utilize licensed contractors to install any and all electrical, plumbing, and HVAC connections.
- 2.2.1 Any and all electrical connections to any Mini-Split Air Conditioner must be installed in accordance with all applicable governmental health, safety, electrical and building codes.
- 2.2.2 Any and HVAC connections to any Mini-Split Air Conditioner must be installed in accordance with all applicable governmental health, safety, electrical, plumbing and applicable building codes.
- 2.3 **Maintenance:** For any and all Mini-Split Air Conditioners located within the Association, all such Mini-Split Air Conditioners and their respective components s must be maintained in good condition at all times.
- 2.3.1 The Association requires that the Owner of any Mini-Split Air Conditioner immediately, replace, or remove any deteriorated or unsafe component of a Mini-Split Air Conditioner.
- 2.4 **Compressor / Condenser Screening:** The outdoor compressor/condenser of any Mini-Split Air Conditioners within the Association must be installed behind the fence line and below the top edge of the fence, so as to make it not visible from the street faced by the dwelling, or from any common area.
- 2.4.1 The outdoor compressor/condenser of a Mini-Split Air Conditioners within the Association must be screened from view if:
- a. The outdoor compressor/condenser of the Mini-Split Air Conditioner is visible from any adjoining property owned by the property owners' association;
 - b. The outdoor compressor/condenser of the Mini-Split Air Conditioner is located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association; or
 - c. The outdoor compressor/condenser of the Mini-Split Air Conditioner is located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners' association.

- 2.5 **Line / Conduit Screening:** The electrical lines, HVAC lines, and/or any appurtenant conduit of Mini-Split Air Conditioners within the Association, to the extent visible from the street faced by the dwelling, must be:
- a. Colored in a shade which blends with and/or matches the exterior surface(s) of the home on which they are installed;
 - b. Run along pathing which hides or obfuscates such lines and conduits from view, such as along gutters, flush with eaves and soffits, or hidden by eaves and overhanging rooflines.
- 2.6 **Testing:** The Owner of any Mini-Split Air Conditioner within the Association must perform periodic tests of the Mini-Split Air Conditioner in accordance with the recommendations of the National Fire Protection Association, pursuant to NFPA 90A: Standard for construction, installation, operation, and maintenance of air conditioning and ventilating systems.
- 2.7 **Use Prohibition:** No Owner may utilize any Mini-Split Air Conditioner to generate all or substantially all of the air conditioning and/or heating to a residence.
- 2.8 **Location:**
- 2.8.1 No owner may install a Mini-Split Air Conditioner on property owned or maintained by the Association, including but not limited to general common elements or limited common elements.
 - 2.8.2 No owner may install a Mini-Split Air Conditioner on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.

These guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association.

THEREFORE, BE IT RESOLVED THAT, Pecan Grove Plantation Property Owners Association, Inc. adopts a uniform Policy to apply to all Unit Owners within Pecan Grove Plantation Property Owners Association, Inc.;

BE IT FURTHER RESOLVED THAT, the Policy approved by this resolution touches and concerns all Lots within Pecan Grove Plantation Property Owners Association, Inc. and shall run with the land to all subsequent Owners of said Lots;

The Board of Directors of Pecan Grove Plantation Property Owners Association, Inc. hereby memorializes in its minutes its formal resolution providing a uniform policy for all lots within Pecan Grove Plantation Property Owners Association, Inc.