

**WELLINGTON OF FLOWER MOUND RESIDENTIAL ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL COMMITTEE**  
**Bulletin #18 – Generators**  
**August 28, 2015**

STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON           §

The property encumbered by this Generators Bulletin (this “Bulletin”) is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Wellington of Flower Mound Residential Association, Inc., recorded under Clerk’s File Number 006513, Deed Records, Denton County, Texas (the “Declaration”), as same has been or may be amended from time to time, and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Wellington of Flower Mound Residential Association, Inc. (the “Association”).

Pursuant to Article 10.02 of the Declaration, the Architectural Control Committee (the “ACC”) may, from time to time, publish and promulgate Architectural Standards Bulletins covering all or a portion of the property subject to the Declaration. These bulletins may contain standards, requirements or limitations in addition to those expressly set forth or referred to in the Declaration.

Pursuant to Section 202.019 of the Texas Property Code, the ACC, together with the joinder of the Board of Directors (the “Board”), hereby adopts this Bulletin regarding Generators (defined below), which shall run with the land and be binding on all owners and lots within the subdivision. This Bulletin replaces any previously recorded or implemented policy that addresses the subject contained herein.

This Bulletin is applicable to all Wellington lots.

A request, via application, must be submitted to the ACC for review on a case by case basis before a Generator is installed. Approval or disapproval will be given in accordance with the Declaration and Section 202.019 of the Texas Property Code. Nothing contained herein waives any right or remedy otherwise available to the ACC under the Declaration. This Bulletin does not apply to property that is owned or maintained by the Association.

**Application to Include:**

1. A per-scale site plan showing the proposed location of the installation and distance from any streets, neighboring properties/property lines, sidewalks and common areas. Plans should note any proposed changes to structural elements (fence height, retaining walls, drainage swales, landscape elements, etc.).
2. Detailed information on the proposed Generator to include (but not limited to) the manufacturer and model, and a copy of the manufacturer’s brochures for the Generator, transfer switches, controllers and any other equipment proposed.
3. The name and contact information of the licensed electrical contractor performing the work.
4. Indicate the energy source for the Generator (LPG, natural gas, diesel, etc.). Note – Non-integral standby electrical Generator fuel tanks that are going to be installed and maintained must comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.

## **Guidelines:**

### Types of Generators

“Portable Generator” means a device that converts mechanical energy to electrical energy and is not a Standby Generator. Portable Generators are usually on wheels. When the power goes out, someone has to start up a Portable Generator and plug it directly into the appliances, a subpanel or a transfer switch.

“Standby Generator” means a device that converts mechanical energy to electrical energy and is:

- a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
- b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- c. connected to the main electrical panel of the Residential Dwelling by a manual or automatic transfer switch; and
- d. rated for generating capacity of not less than seven (7) kilowatts.

Typically, within seconds of an outage, a Standby Generator supplies power directly to the home’s electrical circuit breaker box, usually by an automatic transfer switch. After utility power returns, the Standby Generator automatically shuts itself off; if not, it can be shut off manually.

### Location and Screening

Portable Generators (including extension cords) must be stored in the garage or behind a privacy fence.

Standby Generators may be installed in the back or fenced-in side yard. However, in the event the preferred location either (i) increases the cost of installing the Standby Generator by more than ten percent (10%) or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Generator by more than twenty percent (20%), the Standby Generator shall be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

Generators must be placed a minimum of 5 feet from the property line and may not be placed in an easement.

An Owner must screen a Generator if the Generator is:

- a. visible from the street in front of the residential dwelling on the lot on which it is located,
- b. located in an unfenced side or rear yard of the lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
- c. located in a side or rear yard of the lot that is fenced by a wrought iron fence or residential aluminum fence and is visible through the fence either from an adjoining lot or from adjoining property owned by the Association,

A Generator may be screened as follows, or in another reasonable manner, as determined by the ACC:

- a. landscape materials, such as bushes, which are large enough to reasonably screen the equipment from view upon installation
- b. masonry materials (brick or stone) which match that found on the main dwelling

Note - wood fencing may not be employed as a screening agent on lots in the Wichita Chase 1-4 subdivisions.

### Maintenance and General Operation

The installation and operation of a permanent Standby Generator on a lot is permitted, subject to the prior written approval of the ACC and compliance with the following requirements:

- a. a Standby Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
- b. all electrical, plumbing, and fuel line connections for a Standby Generator must be installed by a licensed contractor;
- c. all electrical connections for a Standby Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- d. all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- e. all liquefied petroleum gas fuel line connections for a Standby Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
- f. a nonintegral Standby Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;
- g. a Standby Generator and all electrical lines and fuel lines relating to the Standby Generator must be maintained in good condition;
- h. a deteriorated or unsafe component of a Standby Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- i. periodic testing of a Standby Generator shall be in accordance with the manufacturer's recommendations, and shall occur not more than once a month, between the hours of 10:00 a.m. and 4:00 p.m.

### Non-Payment for Utility Service

A Generator shall not be used to generate all or substantially all of the electrical power to a residential dwelling, except when utility-generated electrical power to the residential dwelling is not available or is intermittent due to causes other than non-payment for utility service.

### Property Owned by the Association

No Owner may install or place a Generator on property owned or maintained by the Association.

### Non-Compliance

The installation of a Generator that is not in compliance with the provisions of this Generator bulletin will be considered a violation of the dedicatory instruments governing the subdivision.

### Property Owned or Maintained by the Association

This Generator bulletin does not apply to property that is owned or maintained by the Association.

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## **GENERATORS**

Promulgated by the ACC on August 28, 2015

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