

ARCHITECTURAL GUIDELINES

MARKUP #1 ->

PROJECT APPLICATIONS REQUIRE A \$25.00 APPLICATION FEE.

NOTE: Replacing or Refreshing existing plants in individual pots/containers or within a landscape bed does NOT require ACC approval IF the original plantings were previously approved by the ACC.

ADDING LANDSCAPE PLANTS OR FEATURES MUST BE ACC APPROVED.

ACC approval of any modification, alteration or addition is NOT to be construed to cover any Federal, State, County, City, or other applicable agency approvals(s) or required Permits. PERMITS may have other governmental requirements in addition to the ACC approvals.

APPLICATIONS MUST INCLUDE A COPY OF THE OFFICIAL PROPERTY SURVEY with markings on the survey showing the locations of landscape beds, trees, ancillary equipment (pool pumps, water softening tanks, propane tanks, A/C units) and fences, screen enclosures, patios, and bordering property lines.

SECTION 1

A/C UNITS

- A. A/C Units must not be seen from street view and neighboring property (2 or more sides).
- B. Hedge plantings must be a minimum of 3 feet high (recommend 7-gallon plants) when planted and must provide full A/C screening within one (1) year. Hedges shall be maintained at a height to cover the top of the A/C.
- C. All connecting wires or boxes must be painted the base color of the dwelling.
- D. No fencing or lattice to screen the AC unit is permitted.

SECTION 2

ACCESSORY STRUCTURES (GAZEBOS, PERGOLAS, TOOL SHEDS, TENTS, ETC)

- A. There are **NO** accessory structures allowed in Andros Isle other than ACC approved Playground Equipment. ****SEE PLAYGROUND SECTION.**

SECTION 3

ISSUE #1

ANTENNAS, SATELLITE DISHES

- A. No exterior television or radio mast, towers, poles, antennas, or aerials may be erected without ACC approval and be following FCC regulations.
- B. Satellite dishes may not exceed a diameter of twenty-four (24") inches.
- C. The location of satellite dishes must be approved by the ACC.
- D. All connecting wires or boxes must be painted the base color of the dwelling.

SECTION 4

AWNINGS

- A. NO awnings of any type are allowed outside of a screen enclosure.

SECTION 5

BARBEQUE (BBQ) GRILLS/GAS TANKS/OUTDOOR PATIO KITCHENS

- A. No permanent barbeques are permitted without ACC approval.
- B. Applications for permanent BBQ grills shall include the details of the base and surrounding structural materials.
- C. Propane gas tanks connected to a BBQ grill may be no larger than 20 lbs. One (1) additional 20 lb. propane tank may be stored in an ACC approved area.
- D. All other propane tanks must be buried underground. **(See Generators)**
EXCEPTION: If approved by a City Permit and the ACC, up to two (2) 100 lb. propane tank may be installed above ground for interior appliances.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 7): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

ANTENNAS, SATELLITE DISHES A. No exterior television or radio mast, towers, poles, antennas, or aerials may be erected without ACC approval and be following FCC regulations. B. Satellite dishes may not exceed a diameter of twenty-four (24") inches.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).