

I. INTRODUCTION

Georgetowne is a pleasant, friendly community of homeowner’s occupying 229 single family homes. Although it is part of the larger subdivision of Tusawilla, it governs its own affairs through its own homeowners association. An elected Board of Directors utilizes a professional management company to manage the day to day operations.

All homeowners agreed, when they purchased home in Georgetowne, to be bound by the Association Articles of incorporation, Bylaws and Declaration of Covenants and Restrictions (DCCRs). These documents spell out the rules necessary for a harmonious neighborhood.

All homeowners should have a current copy of the Articles of Incorporation, Bylaws and DCCRs. If you do not, please contact the property management firm to obtain a copy.

II. PURPOSE

Architectural guidelines are necessary to maintain the quality environment of Georgetowne. Any exterior changes or additions to your home and/or lot must be approved by the Architectural Review Board (ARB) before they are started.

These guidelines are gathered from the DCCRs, board established Architectural Review Board Standards and applicable municipal laws and regulations.

III. ARCHITECTURAL REVIEW PROCESS

A. Architectural Controls

The DCCRs state, in part, in Article V, “No Building, fence, wall, wall exterior antennas: satellite dishes or any other structure shall be commenced, erected or maintained upon the Declaration Property or any portion thereof, nor shall any exterior addition to, or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of exterior design and location in relation to surrounding structure topography.

B. Application Process

An application, including plans and specifications, should be submitted to the Management Company who will forward it to the ARB for approval. This process could take up to 30 days. Work must not be started until the application has been approved. The application should include two (2) complete sets of plans, specifications, plot diagram (if necessary), material samples and color samples. This application should fully describe the desired change, including, if necessary, where on the lot it will be located.

C. Approval Process

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. V (p. 4): 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:
, "No Building, fence, wall, wall exterior antennas: satellite dishes or any other structure shall be commenced, erected or maintained upon the Declaration Property or any portion thereof, nor shall any exterior addition to, or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of exterior design and location in relation to surrounding structure topography.

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).

ISSUE #1