

SITE IMPROVEMENT STANDARDS

NOTE: These Architectural Guidelines are supplemental Guidelines for the recorded Amended and Restated Declaration of Covenants Conditions and Restrictions for South Hampton Town Home Association, Inc. Additional requirements may be contained in the recorded documents. Applicants are encouraged to review the Covenants in addition to these Guidelines prior to submitting an Alteration Application.

A. Additions

- 1. Rain water from a new addition roof or new grade of house terrain must not run on neighboring property in a manner that creates a nuisance.

B. Air Conditioners

- 1. No air conditioners shall be mounted through a window, door or hung on a wall.
- 2. Replacement of air conditioner components shall be installed in their original location.

C. Antennae

- 1. All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas or antenna towers are subject to the approval of the ACC.
- 2. The ACC requires that all such items be screened from view and that the installation of the antenna comply with all applicable safety restrictions, including any restrictions as to location and height of antenna as imposed by applicable fire codes, electrical codes, zoning codes, and building codes.
- 3. All satellite dishes must be no more than 37 inches in diameter.
- 4. All antennae and satellite dishes should be either ground mounted or mounted on the rear wall or sidewall of the house, below the roof line and no lower than 8 feet from the ground. Owners are discouraged from mounting satellite dishes on top of roofs since this is a maintenance responsibility of the Association. NOTE: Installation of a satellite dish on the roof may void builder's warranties and limit the Association's responsibilities for maintenance and repair. Owners may also be held responsible for any damages sustained by other Owners within in the building as a result of the installation.
- 5. Satellite dishes that are ground mounted shall be installed at no greater distance than 8 feet from the house and shall be located in a mulched bed at least 36 inches in diameter and preferably in a screened area located at the rear of the home.
- 6. All installations shall meet the minimum wind load requirements of the Southern Building Code (latest edition) concerning wind resistance and

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 11): 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:

Satellite dishes that are ground mounted shall be installed at no greater distance than 8 feet from the house and shall be located in a mulched bed at least 36 inches in diameter and preferably in a screened area located at the rear of the home.

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).

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