

ISSUE #1

MARKUP #1 ->

Section 1: [Property Handbook & MDCC Design Guidelines (Solar Energy Section)] Blanket Prohibition on Solar Panels

To preserve the aesthetic continuity, roof lines, and architectural concept of Muirfield Village, solar panels, solar collectors, solar tubes, and sky tunnels are strictly prohibited on all Lots and residential structures within Muirfield.

Section 2: [Warranty Deed Article VIII & Property Handbook (Signage Section)] Exterior Signage Restrictions (Ban on Signs)

No sign of any kind shall be displayed to the public view on any Lot without prior written authorization of the MDCC, except one (1) standard Realtor or For Sale by Owner sign and/or one (1) Builder sign during new home construction, which must be placed within the buildable front area of the Lot and are strictly prohibited at the rear of the property, along community boulevards, or adjacent to the golf course. School signs, sports team signs, and commercial advertising signs are prohibited.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with OH law.

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

Statutory Comparison: Under Ohio Rev. Code §§ 5312.16, 5311.192 (Solar Collector Protections); Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6; 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

[Property Handbook & MDCC Design Guidelines (Solar Energy Section)] Blanket Prohibition on Solar Panels To preserve the aesthetic continuity, roof lines, and architectural concept of Muirfield Village, solar panels, solar collectors, solar tubes, and sky tunnels are strictly prohibited on all Lots and residential structures within Muirfield.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 1 to incorporate the mandatory statutory safe harbors of Ohio Rev. Code §§ 5312.16, 5311.192 (Solar Collector Protections); Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6; 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.