

ARCHITECTURAL CONTROL COMMITTEE
ARCHITECTURAL GUIDELINES

Variances to these guidelines will be considered by the ACC when a petition is presented and signed by a majority of the homeowners in the area. Housing areas are: Bridleridge, Country Place I, Country Place II, Heather Valley I, Heather Valley II, Heather Valley III, Mill Pond, and Natura.

V. COMMITTEE GUIDELINES:

1. GENERAL INFORMATION:

- a. Any addition to an existing building and/or grounds, any exterior alteration, modification, or changes to an existing building, including patching or replacing the roof or patching or replacing siding, sidewalk, driveway or parking area, or any new detached structure must have the approval of the ACC before any work is undertaken. Examples of such projects include: a deck, greenhouse, shed, fireplace, fences, retaining walls, etc.
- b. Only the exterior materials existing on the parent structure or compatible with the architectural design character of the community will be approved.

ISSUE #1

- 2. ANTENNAS are not allowed to be erected or maintained on any building or lot.
- 3. ATTIC FANS AND VENTILATORS that come through the roof do not need ACC approval.

4. AWNINGS:

- a. Only lateral arm retractable awnings are permitted for single homes and townhomes.
- b. The purpose of the awning is to shade decks or patios only. No window awnings.
 - 1. Owners are cautioned not to use barbecues under cover of awnings.
- c. The retractable awning sunscreen material must be made of a cloth material such as canvas, mesh, or comparable soft material. Rigid aluminum, vinyl, or polyethylene shade materials are not permitted.
- d. Only one retractable awning is permitted per single home and townhome.
- e. Side or drop arm awnings are prohibited.
- f. ACC Request Form must be submitted prior to the installation of the retractable awning. At a minimum, the ACC Request Form must include.
 - 1. A detailed drawing of the installation location from the back, side and top of the retractable awning when fully open.
 - 2. Installation measurements.
 - 3. Brochure of the unit type/model with information on the manufacturer and installation company with insurance certificate.
 - 4. Anchor/fastening system details.
 - 5. A copy of the Northampton Township electrical permit (if awning is a powered model).
- g. Retractable awnings must be installed on the rear or side of the house out of the site line from the street.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 5): 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 are not allowed to be erected or maintained on any building or lot. 3. ATTIC FANS AND VENTILATORS that come through the roof do not need ACC approval.

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).