

Rules for Exterior Improvements and Alterations:

MARKUP #1 ->

All of the following Items require ACC approval. This list is not a complete list of items that may require ACC approval. Therefore, please contact the ACC at plantersrow.SC045@gmail.com if you are planning any exterior improvement or alteration that is not listed below. Please include “ACC Submission Question” in the subject line

ISSUE #1

1. **Antennae and Dishes:** Reception towers, satellite dishes or antennae should not be erected upon any structure or within the property without the approval in writing from the ACC. Such structures shall be screened to conceal them from the view of the street (VII.15). However, satellite dishes that are 35 inches or less in diameter and are shielded from view from the street do not require ACC approval. In no event shall free standing transmission or receiving towers, satellite dishes or disks be permitted.

2. **Awnings:** Awnings and similar structures are considered permanent additions to the house. Categories of such awnings are those designed to be installed over windows, doorways, decks, patios, etc. Metal canopy awnings are prohibited. All awnings require ACC approval (V.1).

3. **Basketball Goals:** Permanently installed basketball goals are permitted with ACC approval (V.1). They must be situated no less than two-thirds (2/3) up the driveway from the street. Portable basketball goals shall be assembled in accordance with the manufacturer’s instructions (i.e. having the base filled with sand/water, not weighted down with blocks, etc.); shall be in a good state of repair and shall not be located at or in the street, so as to cause a nuisance or safety hazard to other homeowners (VII.12). **Portable basketball goals do not require ACC approval.**

4. **Colors, Exterior of House:** Any departure from the current exterior colors of any house requires ACC approval. The areas covered by this provision include siding, shutters, trim, garage doors, front doors, roofs, and sheds/outbuildings (V.1). Close approximations of the current colors on the house do not require ACC approval. Mailbox posts shall be painted with Sherwin Williams paint, color: Stone Lion (exterior flat) (VII. 8).

5. **Decks:** All deck replacements, additions or new installations are considered an elevation change and must be approved by the ACC (V.1). Repairs to decks do not require ACC approval as long as the same material and color of the existing structure is used.

6. **Driveway Additions:** Driveways may be widened up to eight (8) feet and extended no further than the front of the garage. The widened section will start at least one quarter of the distance from the street to the garage, tapering out gently from this point to the full width of the extension. The driveway may not be more than two (2) lanes (16 feet) wide at the street. The driveway extension may not extend past the front of the garage. The expansion must be made of concrete that matches the concrete of the existing driveway. In cases where the setback of the house prohibits complying with the ACC guidelines, applications will be considered on a case by case basis. All driveway expansions require ACC approval (VII.23). Example: A 24’ driveway can have a maximum length extension of 18’ including the tapered portion and must start a minimum of 6’ from the curb.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 8): 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:

Antennae and Dishes: Reception towers, satellite dishes or antennae should not be erected upon any structure or within the property without the approval in writing from the ACC. Such structures shall be screened to conceal them from the view of the street (VII.15). However, satellite dishes that are 35 inches or less in diameter and are shielded from view from the street do not require ACC approval. In no event shall free standing transmission or receiving towers, satellite dishes or disks be permitted.

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).