

5. **Windows and Shutters** - All windows and shutters shall be of historic shape and proportion. Windows, French doors and sliding glass doors must have muntins. Muntins must be either true divided lite or simulated true divided lite. Grids in the insulated glass air space, and windows with removable grids are **not** acceptable. Proposed muntin grid patterns must be clearly shown on the approved elevation drawings. Shutters shall be of proportion and style to either be functional or give the appearance of being functional. Functional shutters are encouraged, but not required. All shutters, functional or non-functional, must be fitted with hinges and dogs / tiebacks.
6. **Entrance Doors** - Entrance doors shall have style and proportion of historic precedent. (See Historic Homes of Charleston, South Carolina, by Riggs)
7. **Roofs and Dormers** - Hip or gabled roofs with pitches of between four-in-twelve and ten-in-twelve are recommended. Large expanses of roof masses should be avoided or broken up by intersecting roofs or dormers. Slate, composition, clay or concrete shingles, standing seam metal or coppers are the recommended roofing materials. Skylights are not encouraged on the front elevation. All roof accessories and penetrations, such as vent stacks and exhaust fans, shall be painted to match roof color and located away from the front elevation. In the case of a metal roof, the flashing will be the same as the roof color. Dormers shall have style and proportion of historic precedent.
8. **Chimneys** - In order to maintain the traditional character desired at Windmill Harbour, all chimneys must be constructed of masonry (stucco) or have masonry veneers. Exposed metal flues and prefab chimney caps are not permitted. They must be screened.
9. **Garages / Carports and Detached Structures** - Any permitted outbuildings on a lot such as detached garages, carports and pool houses, must be compatible in style, materials and color with the main house. An enclosed carport must have its interior and contents fully screened from the street. Side facing garages/carports are recommended, except for townhouse lots where recessed single doors are preferred. Carports and detached garages should be connected to the house by a covered passageway, if possible.
10. **Service Yards** - All home sites are required to have a service yard sized to accommodate and conceal mechanical equipment, trash receptacles, utility meters and miscellaneous equipment. Yards must be screened from view by fence or wall of at least six (6) feet in height and compatible in material and color with the house. The location of the service yard should not be generally visible from the road.

ISSUE #1

11. **Antennas, Satellite Dishes, Solar Panels, etc.** - No television antenna or other device used for reception or television broadcast signals, or solar panels may be erected on the exterior portion of any structure or land without approval by the WHARB.

12. **Hurricane Protection Systems** - Any hurricane protection shall be designed to complement and blend with the architecture of the house. Any such system should be submitted to the WHARB for approval in the design stage, prior to entering a contract for installation.

C. **Site Planning Standards**

1. **Parking / Driveways / Walkways** - A minimum of two off-street parking spaces in a garage, carport or open parking on an approved surface must be provided for each residence. It is strongly recommended that two off-street guest spaces also be provided. Off-street parking and driveways within ten (10) feet of the property line must be screened from adjacent property with walls or landscape materials. Driveways and parking areas must be paved with concrete or approved materials. A minimum of 2'-2" conduits under

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 12 (p. 13): 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, Satellite Dishes, Solar Panels, etc. - No television antenna or other device used for reception or television broadcast signals, or solar panels may be erected on the exterior portion of any structure or land without approval by the WHARB.

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).