

Maplewood Deed Restrictions Composite

MARKUP #1 ->

Section 4. Fences and Walls. Fences and walls shall not be more than eight (8) feet in height. Walls are to be constructed of masonry material and fences are to be constructed of a wood, decorative metal, or plastic/vinyl material. No wire or chain-link fences shall be constructed. Fences and walls may extend to interior lot lines but shall not be forward of the front minimum setback line. On corner lots, walls and fences shall not be placed beyond the minimum building setback line along the lot line adjacent to a side street, as defined in Article V, Section 1. Placement of a fence or wall shall not require Architectural Committee (hereinafter referred to as the “AC”, as defined in Article IV) approval as long as said placement complies with all applicable AC guidelines with respect to materials and height, as stated herein. Neither shall said fence or wall location require AC approval as long as said fence or wall is on or parallel to the property lines, excluding gates, and not in front of the setback lines as stated in Article V, Section 1.

Section 5. Roofs. Roofs shall be covered with shingles, slates, tiles, or metal sheeting in a shade of gray, brown, black, terra cotta, dark green, dark blue, or white. The Architectural Committee shall periodically adopt clearly defined roofing guidelines to preserve the character and aesthetics of the neighborhood. In any event, no pea gravel or corrugated metal roofs shall be used or permitted on any residence or garage. Replacement of a roof shall not require AC approval as long as said replacement or repair complies with all applicable AC roofing guidelines.

Section 6. Plans and Specifications. No building, roof, garage, fence, wall, driveway, carport, porte cochere, sidewalk, patio enclosure, swimming pool, solar or heat collection apparatus, high mast antenna, flagpole or other external improvement above or below the surface of the ground shall be erected, placed, altered, or permitted to remain on any lot, nor shall any substantial grading or excavation be commenced, until the construction plans and specifications, a site grading plan and a plot plan showing the location of the structure or improvement have been submitted to the Chairperson of the Architectural Committee and approved in writing by the Committee. All such plans and specifications must be submitted by certified mail return-receipt requested, or by hand delivery with a receipt signed and dated by the Chairperson or designee. The Architectural Committee shall consider such plans and specifications with regard to type, quality and use of exterior material, exterior design, location of improvements on the building plot, and proposed finished grades. Completion of any structure or any alteration of, or addition to, any structure prior to Committee approval shall not constitute a defense to any suit for enforcement of these restrictions.

Article IV. Architectural Committee

Section 1. Membership.

(a) The Architectural Committee shall be composed of five (5) positions filled by five (5) persons who are Property Owners within the various Sections of Maplewood. The Architectural Committee shall consist initially of the following five (5) persons:

- Position 1: Louis Polchinski
- Position 2: L. W. Carpenter
- Position 3: Syd Waldman
- Position 4: Tim Hughes

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6. (p. 3): 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:

apparatus, high mast antenna, flagpole or other external improvement above or below the surface of the ground shall be erected, placed, altered, or permitted to remain on any lot, nor shall any substantial grading or excavation be commenced, until the construction plans and specifications, a site grading plan and a plot plan showing the location of the structure or improvement have been submitted to the Chairperson of the Architectural Committee and approved in writing by the Committee.

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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