# Architectural Guidelines

## Brittany Woods– Section A: Single Family
## Brittany Woods– Section B: Townhomes
## Brittany Woods Homeowner Association
## Raleigh, North Carolina

Guidelines developed and approved Spring 2005. 1st Revision May 2011. 2nd Revision January 2022; April 2022

# GENERAL INFORMATION SHEET

**Single Family & Townhomes (Sections A&B)**

1. **Project:** Brittany Woods Homeowners Association, Inc (the Community & sometimes HOA) Established: October 28, 1983. There are 192 Single Family homes and 192 Townhomes in the Association. The single family and the townhome sections are under the same Brittany Woods HOA Governing Documents. Please see the By Laws and the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for further details of the organization. The entire Community is managed by one Board as set forth in the By Laws.
2. The Community Management Company (Management Company) is contracted by the Board. The current Management Company is:
Towne Properties, Raleigh, PO Box 99149 Raleigh, NC, 27624-9149, phone 919-878-8787 The Management contact is Jodi Gerhard. Her office should be contacted for:
    2.1 Emergency situations involving the Community Common elements such as water line breaks, sewer line backup, pool issues, etc.
    2.2 Architectural submission request.
    2.3 Board related issues.
3. The responsibilities of the Management Company include but are not limited to:
    3.1 Collecting Association fees, contracting for repairs, landscape maintenance, etc.
    3.2 Maintaining the HOA budgets and accounting requirements.
    3.3 Scheduling and managing HOA meetings.
4. The Brittany Woods Community lies within the city limits of Raleigh, NC. The site address is 5020 Lancashire Dr. Raleigh, NC. This is the address of the pool common area and is not occupied. All communication with the Community, (Board), should be directed to the Management Company. Mail will not be delivered to this address.
5. Being within the city limits of Raleigh, the City has jurisdiction over the Community, and therefore all codes and regulations of the City apply to the property herein. The Community, therefore, is provided with all the services the City offers to its residents such as trash removal and police protection.
6. Brittany Woods residents, both in their homes and in the common area of the Brittany Woods Community, are subject to the By-laws, Covenant, and Conditions of the Homeowners Association (HOA).
7. Each homeowner is an HOA member and has the responsibility to become familiar with the HOA documents, including the Design Guidelines and the Community Rules and Regulations.
8. The common area and related utilities were not deeded to the City at formation, therefore the HOA owns and is responsible for maintenance and service of the roads, water lines, sewer lines, storm drainage, recreational amenities, common areas and easements that may exist within the boundaries of the association for any of the aforementioned entities and as set forth in the CC&Rs. Though the City does not own the sewer and water lines in Brittany Woods, . They do, however, own the water meters, not the meter boxes. Exception: There are a couple of short sewer lines the City does own because they serve areas outside of Brittany Woods). Always call the Management Company with sewer problems. They will contact the City if it is a City line.

9. Funds to provide the requirements of the HOA are collected through the assessments to the residents. This includes yearly operational funds as well as reserve funds to include the utility responsibilities of the association. The maintenance of the exterior of the townhomes is also the responsibility of the association and is paid for by the assessments to the townhomes. The Townhomes are under different rules than the single-family homes and these rules are expounded in the townhome Section B. See the townhouse guidelines, Section B, for details of those requirements.
10. The following Architectural Guidelines were developed by the Board as required by the CC&Rs. It is a living document in that the guidelines do change as conditions warrant. Their purpose is to give guidance to the residents of Brittany Woods when they desire to make changes to the exterior of their home including the grounds. It is the responsibility for each resident to follow these guidelines and to work with the Board in making the effort rewarding for the homeowner and the Community.

The Architectural Review Committee.
Brittany Woods Single Family & Townhomes

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## 1. Purpose and Policy – Sections A&B

The Architectural Standards and Control Specifications (hereafter referred to as the Standard) were established by the Declaration of Covenants and Conditions (CC&Rs). Their purpose is to preserve and maintain the property values and the natural beauty of the development. The CC&Rs also establishes the Architectural Review Committee (ARC), with final approval authority given to the Board of Directors (the Board).

No building, sign, wall, structure, or any substantial exterior substantial change or addition, shall commence or be erected upon a property until the plans and specifications showing the exact nature of the change have been submitted to and approved by the Board, or by the ARC composed of three or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted, approval will not be required, and

the submission Standard will be deemed to have been fully complied with. The 30-day period is subject to additional information requests or other such approval delays. The applicant will be notified of any such approval time extension. Disapprovals may be appealed to the Board.
It is the goal of the ARC to maintain consistent standards while remaining flexible to changes in our community. This Standard is intended to allow for individual creativity, with each request being reviewed on its own merit. The visual characteristics of the proposal will be the primary consideration of the Committee.
The ARC is composed of seven Board-appointed volunteers whose duty is to review all architectural requests received by the Management Company and make recommendations to the Board. The ARC also attends to other relevant business, such as revising this document and reporting on area inspections. Homeowners who have submitted applications may be invited to attend a meeting to review those applications. The goal of the review meeting is to help assure the homeowners that the ARC understands their request fully or to offer their comments about any modifications that are currently underway or being planned.

## 2. REFERENCES (CC&Rs) – A&B

Declaration of Covenants, Conditions and Restrictions (CC&Rs)
By-Laws of Brittany Woods Homeowners Association, Inc.

## 3. RESPONSIBILITIES A&B

The paragraphs below describe the responsibilities of all parties as they relate to the Architectural Standards and Control Specifications.

### 3.1 BOARD OF DIRECTORS (THE BOARD)

The Board is responsible for final approval or disapproval of all architectural requests, making decisions about violations and related penalties or legal remedies and final interpretation of the covenants and restrictions.

### 3.2 ARCHITECTURAL REVIEW COMMITTEE (ARC)

The Architectural Review Committee is responsible for reviewing requests, making site inspections both before and after the modification and making recommendations to the Board of Directors. A written explanation of any negative decision by the ARC shall be submitted in writing to the Board and to the homeowner(s) who submitted the application.

### 3.3 HOMEOWNERS

**3.3.1** Each homeowner has the responsibility to complete properly and submit an Architectural Request Form and supplementary documents as requested by the Board or the Architectural Committee to the Management Company in accordance with the requirements of this Standard.

**3.3.2** Each homeowner is also responsible for adherence to this policy, as well as decisions made by the Board.

### 3.4 COMMUNITY MANAGEMENT COMPANY

**3.4.1** The current community management company is **Towne Properties, P O Box 99149, Raleigh, NC 27615, (919) 878-8787**

**3.4.2** It is the Management Company's responsibility to collect all Architectural Request Forms submitted and to perform an initial screen to assure completeness. Incomplete forms will be immediately returned to the homeowner. Complete submissions will be promptly distributed to the ARC in a timely manner. The Management Company also acts as the clearinghouse for any problems or concerns raised by anyone in the community. The Management Company channels these messages to the Board, which the Board may, in turn, submit to the appropriate committee.

**3.4.3** The Management Company is also responsible for sending a copy of the Board's response for each complete submission to both the homeowner and the Architectural Review Committee.

## 4. GUIDELINES A&B

### 4.1 PROVISIONS

The provisions of the Declaration of Covenants apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include in this Standard those considerations, which have the potential to impact property values. Suggestions for improvement of this document should be submitted to the Board through the community management company.

### 4.2 TYPES OF EXTERIOR CHANGES, ADDITIONS, OR DELETIONS

**4.2.1** The following are examples of the types of exterior changes, additions, or deletions that may meet one of these qualifications:

A. Requires submission of an Architectural Review Form,
B. Does not require a submission
C. Is prohibited

**4.2.1.1** Some items in categories A and B are discussed in further detail in **Section 8: Standards and Specifications.**

**4.2.2** Homeowners with concerns about their particular situations should contact the Management Company for guidance.

**4.2.3** Please recognize that the submission/approval process is lengthy and is administered by volunteers on their own time.

**4.2.4 The** Board meets once within each calendar month with some months skipped for various reasons.

**4.2.5** The 30-day approval clock does not start until all reviewing members have received the complete application; therefore, it is imperative that each homeowner plan in advance and allow for the processing time required.

## 5. CHANGES THAT REQUIRE SUBMISSIONS TO ARC

Changes or additions to the exterior of the home, including, but not limited to:

| | |
|---|---|
| Changing paint colors | Awnings |
| Decks and Patios including additions | Driveway extensions |
| Parking pads | Free—standing structures (Sheds, greenhouses, arbors, etc.) |
| Solar Panels | Hot tubs |
| Permanent Signs | Enclosures including decks and porches |
| Major Landscaping (tree removal, hardscaping, etc.) | Decorative lighting |
| Recreation or Sport Equipment (Swing Sets, Basketball Goals, etc.) | Electric charging stations |

## 6. SPECIFIC CHANGES OR ADDITIONS THAT DO NOT REQUIRE A SUBMISSION

**6.1 MINOR LANDSCAPING**

**6.2 STORM DOORS**

**6.3 REMOVAL OF DEAD/DISEASED TREES**

**6.4 FLOWER BOXES MEETING COLOR REQUIREMENTS**

**6.5 SMALL, DISCREETLY LOCATED GARDEN PLOTS**

**6.6 NON-PERMANENT CHILDREN'S PLAY EQUIPMENT**

**6.7 PORTABLE SWIMMING POOLS, USED ONLY BY SMALL CHILDREN**

**6.8 PERIODIC REPAINTING OR RE-STAINING WITH THE EXISTING COLOR**

**6.9 ROOFING, DOOR, AND/OR WINDOW REPLACEMENTS (IF MATERIALS OR DESIGN DON'T CHANGE)**

## 7. SPECIFIC ITEMS OR CHANGES THAT ARE PROHIBITED – A&B

**7.1 PET FACILITIES SUCH AS DOG HOUSES AND DOG RUNS**

**7.2 PERMANENT COMMERCIAL SIGNS.**

**7.3 ENCROACHMENT ON OTHERS PROPERTY OR SETBACK VIOLATIONS.**

**7.4 NO EXTERIOR ANTENNAS, HAM RADIOS, TOWERS. SEE NOTE BELOW.**

**7.5 CLOTHESLINES.**

**7.6 SWIMMING POOLS, EXCEPT PORTABLE POOLS AS DISCUSSED ABOVE.**

**7.7 ANY UNCLEAN, UNSIGHTLY, UNKEPT, OR UNHEALTHY CONDITIONS, WHICH TEND TO SUBSTANTIALLY DECREASE THE BEAUTY OR SAFETY OF THE SURROUNDING PROPERTIES.**

***Note:*** *As directed by Congress in the Telecommunications Act of 1996, the Federal Communications Commission has adopted rules concerning restrictions on viewers' ability to receive video programming signals from direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS). The new rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. These antennas include DBS satellite dishes that are less than one meter (39") in diameter (larger in Alaska), TV antennas, and antennas used to receive MMDS. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use, (2) unreasonably increase the cost of installation, maintenance or use, or (3) preclude reception of an acceptable quality signal. This rule means that, in most circumstances, viewers will be able to install, use and maintain an antenna on their property if they directly own the property on which the antenna will be located. The HOA can only ask that they be notified if an antenna is being installed to verify it is less than 1 meter.*

See Appendix D for full text of applicable FCC Law.

*http://www.ccfj.net/FCClaw.htm#:~:text=The%20new%20rule%20prohibits%20restrictions,anten nas%20used%20to%20receive%20MMDS.*

## 8. STANDARDS AND SPECIFICATIONS

***NOTE:*** *The Brittany Woods CC&Rs require Board approval of a project prior to the application for a Raleigh Building Permit: however, the City of Raleigh building codes will govern*

*in all cases. It is the responsibility of the applicant to check the City codes to assure the project meets these requirements.*

**8.1 EXPLANATION OF SPECIFICATIONS/DETAILS**

The specifications/details listed in this section apply to pertinent items identified in Sections 9 through 16. For items below that do not require submission of an Architectural Request Form, homeowners are expected to comply with the esthetics of the community.

**8.2 CITY PERMIT CHANGES**

When a City permit requires changing the submission approved by the Board, it is the responsibility of the applicant to notify the Board of such changes. If the City permit is obtained with or without the submission being approved by the Board, the applicant will be responsible for any cost associated with resubmitting the plans to the City for re-permitting, if required.

**8.3 ADDITIONS OR CHANGES IN VIOLATION**

Any addition or change that violates existing codes or regulations must be removed at the homeowner's expense.

## 9. SIGNS

**9.1** - PERMANENT COMMERCIAL SIGNS ARE NOT ALLOWED IN THE NEIGHBORHOOD. APPROPRIATE POLITICAL SIGNS ARE ALLOWED. PROFANITY, VULGARITY, OBSCENE IMAGES, IMPLICATIONS OR CALLS TO VIOLENCE ARE NOT PERMITTED.

For information on real estate signage, see Brittany Woods "Rules and Regulations."

## 10. LANDSCAPING

See Brittany Woods "Rules and Regulations" for additional information.

**10.1 MINOR LANDSCAPING PROJECTS**

Projects such as naturalizing an area of a yard or adding items such as shrubs, grass, and flowers need not be submitted for approval. These are considered normal improvements and are strongly encouraged. Homeowners must submit applications for approval before planting trees. Approval criteria include location and type of tree.

**10.2 OTHER TYPES OF LANDSCAPING (HARDSCAPING)**

Other types of landscaping (hardscape) represent significant projects that may be structural, have an impact on adjacent property, or require aesthetic consideration. These will require submission of an Architectural Review Form. Examples of this type of change include:

**10.2.1** Retaining walls, pavers, decorative walks, screening, etc.

**10.2.2** Drainage, swale (a low or hollow place, especially a marshy depression between ridges), and runoff— consideration should be given to landscaping that will regulate current drainage/runoff to adjoining property. Drainage details should be included in the submission.

**10.2.3** Designs for large garden plots in public view with tall crops, such as corn, should be submitted to ARC with details of screening.

**10.2.4** Designs for any landscaping along the roads must be submitted for approval.

**10.2.5** Photographs or diagrams of ornaments or figurines to be placed in public view should be submitted. This applies to permanent placements like birdbaths and garden benches, but not to seasonal visuals such as Halloween or Christmas decorations.

**10.2.6** Outdoor lighting, landscape lighting

## 11. DECKS, PATIOS, AND FENCES

***See Design Photo Index for suggested guidelines.***

*Homeowners should adhere to the following construction and placement guidelines.* ***Only exterior materials comparable to those existing structures and compatible with the architectural character of the community will be approved.***

### 11.1 Deck Materials and Finishing

**11.1.1** Deck materials may be constructed of pressure-treated wood or manmade composite.

**11.1.2** Wood should paint or stained.

**11.1.3** Posts may be made of brick; pressure treated pine or other composite material. Color of paint or stain must be approved.

### 11.2 Height of Decks, Arbors and Screens

Decks should meet all City of Raleigh codes and specifications. Homeowners must adhere to the following setback requirements and obtain a building permit:

**11.2.1** Arbors should be no higher than eight feet above the deck surface.

**11.2.2** Free-standing deck screens (i.e., lattice) shall not exceed six feet in height.

**11.2.3** Designs for handrails, benches, steps, and other associated elements of the deck must be submitted for approval.

**11.3 THESE GUIDELINES INCLUDE THE FOLLOWING SETBACK REQUIREMENTS AND OBTAINING A BUILDING PERMIT.**

**11.3.1** Arbors should be no higher than eight feet above the deck surface.

**11.3.2** Free-standing deck screens (i.e., lattice) shall not exceed six feet in height.

**11.3.3** Handrail, benches, steps and other associated elements of the deck must be submitted.

**11.4 PATIO MATERIALS**

**11.4.1** Concrete slabs should be either non-slip surface finish or with exposed aggregate or other decorative designs.

**11.4.2** Bricks or flagstone are acceptable with sand fill or grout.

### 11.5 Patio Location

**11.5.1** Patios should be located behind the house, but may extend beyond, around corners or be free- standing in other areas of a backyard.

**11.5.2** In general, decks should not extend outward beyond the rear corners of the building line.

**11.5.3** Special cases may require an exception to this rule and will be determined after a site visit.

### 11.6 FENCES

*Fences are allowed in the community, though certain guidelines and restrictions will be maintained, described below.*

**11.6.1 MATERIAL**

Natural wood, wrought iron, or aluminum or cast iron.

**11.6.2 COLOR**

Fences are to be kept in their natural color. A clear preservative or sealer is allowed. Metal fences must be black.

**11.6.3 HEIGHT - DESIGN**

30 inches minimum, 48 inches maximum. Boards (pickets) shall be 4 inch or 6-inch nominal with a ¾ inch spacing between pickets. The pickets must be at least ¾ inch in thickness. Staggered spacing (shadow box) is allowed. Staggered spacing is created when the pickets are placed on both sides of a two-inch nominal thick (1 ½ actual) horizontal stringer. The pickets are alternated from side to side with a 3/4-inch overlap of the pickets. Fence post shall be minimum 4 by 4 made of same the material as the fence and spaced a maximum of 8 feet. The fence post shall be anchored as to support a minimum horizontal load of 200 pounds at the top.

**11.6.4 LOCATION**

- The fence must start at the back plane of the house or as close as possible. Fences shall not be placed in parallel (side by side) to an existing fence. Exceptions may be made for obstacles such as utilities, A/C compressors, trees, etc. The fence must run as close to the property line as possible. Fences must be tied into neighbors/ fences so as not to leave spaces in between. If the fence must be located off the property line due to obstacles, an access gate to the space between the fence and the property line must be provided for maintenance of said area.

  The bottom of the fence must allow space for drainage to pass under the fence where natural drainage flows are established. The horizontal line of the fence (top line) must run level where possible. If the natural grade of the land slopes the fence shall run parallel with that slope.
- Up-and-down movement of the top horizontal line of the fence must be kept to a minimum.
- For example, if the fence crosses a natural swale the top should stay straight and the bottom of the fence follow the natural contour of the ground, allowing for water flow. Any change in grade must be indicated.

**11.6.5 MAINTENANCE**

Owner maintenance is required and will be enforced.

**11.6.6 GRANDFATHERING LANGUAGE**

***11.6.6.1*** *Please note: Privacy fences -- those without spacing between boards –* ***ARE NOT ALLOWED****. These guidelines are in addition to the compliance with all of City of Raleigh's ordinances, rules, and guidelines.*

**11.6.6.2** Fences must be constructed to allow for air flow and drainage.

The finished side of the fence must face out unless next to a non-community area.

**11.6.6.3** All existing fences as of January 2022 are grandfathered in.

**11.6.7 USAGE GUIDELINES**

- Fences must not be used as a long-term holding pen for animals. Consideration for neighbors' peace must be considered, and constant barking will not be allowed. If animal noise becomes an issue, the Board will act in accordance with the Community Upkeep Violation Table in Section 23.1 of this document.

**11.6.8 ADJOINING NEIGHBOR NOTIFICATION**

- The applicant is encouraged to contact all property owners adjacent to the applicant property to present the plans for the proposed improvements, and request signatures

indicating "Agreement" or "Disagreement." This indication does not necessarily determine the Committee's decision. Neighbors are encouraged to contact the Committee to voice their concerns or support for a project.

## 12. ENCLOSURES (SCREENED PORCH, SUNROOM, ETC.)

**12.1** Enclosures should be designed and constructed for aesthetic compatibility.

**12.2** Enclosures must comply with all City of Raleigh codes and specifications. A building permit is required for this type of project.

## 13. SHEDS

**The homeowner is responsible for adhering to City of Raleigh building codes before building or installing a shed, whether homemade or prefabricated.** HOA Board approval does not supersede this responsibility.

**13.1 CITY OF RALEIGH ACCESSORY STRUCTURE REQUIREMENTS**

**13.1.1** Accessory structures and sheds in Raleigh with **gross floor area of 150 square feet or less and height of 10 feet or less** shall have a minimum setback of 5 feet from side and rear property lines. **IMPORTANT NOTE:** The lots in Brittany Woods are small, thus, fitting a shed in a back yard can be challenging. Remember the required 10-foot setbacks.

**13.1.2** No Raleigh accessory structure or shed may be located closer than 6 feet to any other building or structure on the same lot.

**13.1.3** Accessory structures that are **larger than 120 square feet or taller than 10 feet will require a City building permit**. These structures must be located a minimum of 10 feet from side and rear property lines.

**13.2 REQUIRED FOUNDATION MATERIAL TYPE:** concrete or masonry

**13.3 LANDSCAPING:** Due to the visibility of the shed from several adjoining residents, landscaping must be added around the unit.

**13.4 SURFACE DRAINAGE:** If the shed will be placed on a slope. Surface drainage around and through the shed foundation must be directed as not to cause erosion. Please submit a drainage plan.

**13.5 PROHIBITED SHED MATERIALS:** METAL or PLASTIC.

**13.6 SHED ROOF CONSTRUCTION:** The roof must be constructed using residential shingles.

**13.7 SHED UTILITY SERVICES:** No above- ground utility services are allowed to the shed.

**13.8 SHED COLOR:** Must be approved as part of the proposal.

## 14. HOME STRUCTURE REPAINTING

*This guideline is meant to maintain a degree of continuity within the neighborhood, not to be overly restrictive. A homeowner who is unsure about acceptable color schemes should feel free to contact any member of the ARC for additional guidance before making the submission.* ***Except where noted, approval of colors should be obtained before painting begins.***

**14.1 PERIODIC REPAINTING AND RE-STAINING WITH THE EXISTING COLOR(S)**

No submission required.

**14.2 COLOR CHANGE AND REPAINTING**

A change in any color to any part of the exterior of the residence, including doors, shutters, windows, trim, gutters, etc., must be approved by ARC.

New colors should be kept low in intensity. The Homeowner must submit an ARC request with proposed new colors. Repainting in the existing color does not require ARC submission or approval.

**14.3 COLOR COMPATIBILITY**

Chosen colors must not clash with or duplicate the colors of the homes in the immediate vicinity. This will be up to the discretion of the ARC committee.

**14.4 BRICK**

Brick may be painted with appropriate ARC submission and approval.

## 15. PERMANENT RECREATION OR SPORT EQUIPMENT

**15.1 PROPORTIONS**

Must be in proportion to the size of the lot

**15.2 LOCATION ON PROPERTY**

Permanent equipment must be located past the front line of the house in the yard, or adjacent to a driveway.

**15.3 SETBACK REQUIREMENT**

Ten feet from any property line.

**15.4 BASKETBALL GOALS**

Must be placed in the homeowner's driveway or be mobile and returned to driveway after each use.

## 16. VEHICLE CHARGING STATIONS

**16.1 CITY REGULATIONS**

Before installing a charging station, the homeowner must follow City of Raleigh regulations, found here (or on City of Raleigh's website), and submit an application to the ARC Committee.

**16.2 PLACEMENT**

The charging apparatus must be as inconspicuous as possible, preferably on the side of the home adjacent to the driveway.

**16.3 INSTALLATION AND APPLICATION**

The installation must be done by a licensed electrician.

## 17. SOLAR PANELS

**17.1 PLACEMENT**

Traditional solar panels will only be allowed on the rear section of the homeowner's roof.

## 18. MAINTENANCE

**18.1 HOMEOWNER'S PRIMARY RESPONSIBILITY**

To maintain his or her property in a way that does not detract from the overall beauty of the community.

**18.1.1** Every homeowner is expected take this responsibility seriously, as poor home maintenance can severely affect the value of all properties.

**18.2 AREAS REQUIRING REGULAR REVIEW TO ENSURE GOOD REPAIR:**

**18.2.1** Shrubbery, trees, and lawn decks

**18.2.2** Playground equipment

**18.2.3 Materials** stored in yard (storage must be **temporary**)

**18.2.4 Driveway** paint and/or stain

**18.2.5 Fence** (where existing)

**18.2.6 Roofing**

**18.2.7 Wood** piles (firewood)

**18.2.8** Garbage can storage (behind the home or screened)

**18.3 DETERIORATION**

**18.3.1 SITE INSPECTIONS:** If, at any time the Board is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the ARC will make a site inspection. ARC will report findings and make recommendations to the Brittany Woods Homeowners' Association Board of Directors.

**18.3.2 OBLIGATION OF ENFORCEMENT:** Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time the repairs have not been made, the Board has the obligation of enforcement as described in the CC&Rs. See below Community Upkeep Violation in Section 23

## 19. PLANNING AND PREPARATION OF SUBMISSION BY THE HOMEOWNER – SECTIONS A&B

**19.1 REQUEST FORM**

Request form must follow the process described in this section. If the homeowner is not sure a submission is required, the homeowner should contact the Management Company for clarification.

**19.2**

The process will be the same for all submissions, with the required details varying depending upon the type of change requested. For your convenience, a copy of the Architectural Request Form has been included as an attachment to this document; additional copies are available from the Management Group upon request.

**19.3**

Prepare the Architectural Review Form and attach any drawings, paint color chips or supplemental documents for the Architectural Review Committee and Board of Directors review.

**19.4**

A complete submission will provide full descriptions or depictions of any changes. The completed packet should stand on its own without the need for further explanation.

**19.4.1** An unsigned form is an incomplete form.

**19.5**

Any fencing request must include a survey form a licensed surveyor showing the location of the fence.

**19.6 *BE* SURE TO SIGN THE FORM.**

**19.7 SUBMIT THE FORM TO THE MANAGEMENT COMPANY.**

They will perform an initial review of the submission for completeness and legibility. Incomplete or illegible submissions will be returned immediately to the homeowner, slowing down the approval process.

**19.8 THE 30-DAY CLOCK: TIME FROM RECEIPT OF COMPLETE APPLICATION TO DECISION**

**19.8.1** Allow seven business days from the submission date to allow the Management Company time to distribute the application to the ARC.
**19.8.2** Once all ARC members have received the application, the homeowner will be notified that the 30-day clock has started.
**19.8.3** If the homeowner wishes to meet with the ARC during this period, a meeting will be scheduled.
**19.8.4** Some submissions are not complicated and will require much less time to process. Discuss the process with the Management Company to determine if the time frame can be shortened.

**19.9 SUBMISSION FORMAT**

The submission should be in electronic form to help expedite the process.

## 20. ARCHITECTURAL REVIEW COMMITTEE REVIEW – SECTIONS A&B

**20.1**

The Management Company will forward copies of all submissions to the ARC and retain the original.

**20.2**

If required, an ARC representative will attempt to make a site visit with the homeowner (and, if deemed necessary, adjacent property owners) prior to the ARC processing the application. Surrounding property owners may be contacted if the request includes significant construction such as an addition or other changes that could have a direct impact on adjoining properties.

**20.3**

Each submission will be voted on by the Committee with their recommendation for approval or disapproval and forwarded to the Board, in writing in time for their monthly meeting. Any responses by adjoining property owners will be reviewed and taken into consideration. The Board will usually try to fast-track an application if applicable.

## 21. BOARD OF DIRECTORS REVIEW/DECISION – SECTIONS A&B

**21.1 BOARD REVIEW**

**21.1.1** At its monthly meeting the Board will review the recommendations of the ARC. Particular attention will be paid to any recommendations for disapproval.
**21.1.2** The Board will approve or disapprove vote on each submission with a _____ vote. as approved or disapproved. The Management Company will then send a standard response letter to the homeowner indicating the Board's decision, including any additional details the Board may wish to share with the homeowner.

**21.2 BOARD APPROVALS**

**21.2.1** Approval of any submission or portion thereof does not ensure approval of similar submissions. Each submission will be considered on its own merit.

**21.3 NOTES ABOUT APPROVED SUBMISSIONS**

A proper submission approved by the Board is like a contract, the homeowner must comply with any specific details. Significant alterations or deviations from the approved changes will require resubmission.

**21.4 HOMEOWNER COMPLIANCE**

Any specific details must be complied with by the homeowner. Alterations/deviations of a significant nature will require resubmission.

**21.5 APPEAL PROCESS**

To appeal a disapproved submission, the homeowner should submit a written response including specific detailed information that clarifies why the submission should be reconsidered. The homeowner may also request a meeting with the ARC or the Board to further discuss the submission.

**21.6 BOARD REMEDIES**

Should the submission have been disapproved on a technicality (i.e., location), and the homeowner is willing to comply with the remedy proposed in the Board's response letter, then the homeowner only needs to contact the Management Company office, pencil in the change(s) and initial and date the change(s). This may be done electronically. The revised submission will then be reconsidered via an electronic vote; additional discussion between the Board and the ARC may be appropriate at this time. The homeowner will be telephoned with the decision and receive a written approval letter citing the change(s).

## 22. TIME FRAME FOR CONSTRUCTION – A&B

**22.1** Work may begin at any time after submission approval and should be completed as soon as possible.

**22.2** The homeowner must notify the Management Company upon completion, and the ARC will inspect the finished work.

## 23. DETAILS FOR SUBMISSIONS AND CLOSE- OUT A&B

**23.1** In some cases, many attributes or details of a proposed change are required for the Committee and Board to make sound, responsible, decisions.

**23.2** Where applicable, the following items should be used as a method of describing or visually depicting the request change.

**23.2.1** Pictures, magazine clippings, etc.

**23.2.2 Color** chips (for paints or stains)

**23.2.3 Plot** plans: Top drawn drawings showing location of existing structures, property boundaries in relation to adjoining property and location of proposed change(s).

**23.2.4 Elevation** drawings: Side view showing height, topography of land and visual image of the change(s).

**23.2.5** Written description of the types of materials to be used, or a contractor's bill of materials.

**23.2.6 Written** and/or visual depiction of construction details.

**23.2.7** Location for building material storage during construction, soil disposal plan, drainage plan and landscaping or revalidation plan.

**23.2.8** Notification of any changes in approved plans must be submitted to the ARC for approval before being implemented.

**23.2.9** Notify the ARC of any changes to the plan that the City may have required.

**23.3** All drawings must be to scale and have the dimensions clearly marked. For major construction projects such as sunrooms, dormers, etc. involving a hired contractor, the design drawing showing rooflines and other such detail should suffice.

## 24. INSPECTION – A&B

**22.1 RANDOM INSPECTIONS**

**24.1.1** The ARC and the Management Company have been directed by the Board to do random on-site inspections to assure compliance with approved submissions.
**24.1.2** Homeowners are asked to cooperate during such inspections. The homeowner must provide a schedule of work including start date and completion date.
**24.1.3** The homeowner must notify the Community Management Company within 30 days of the beginning and completion of the project.
**24.1.4** If deficiencies or significant deviations from the approved submission are noted, the homeowner will be notified in writing by the Board.
The homeowner is expected to respond to the Board with a response expected within 30 days.

## 25. VIOLATIONS

**25.1 Community Upkeep Violation Table** - The below system was born as a response to the visual aging of our community. The HOA's primary responsibility is to upkeep the value of homes in the neighborhood. At best, we should be improving the visual aesthetics and physical infrastructure of our community. To that end, the Board is implementing a system to clearly communicate expectations of single-family homeowners surrounding the upkeep of their property.

The intended purpose of this process is to allow communication and implementation surrounding the Board's cited corrections required.

| **Community Upkeep Violation Table** | | | |
|---|---|---|---|
| Tier | Description | Timetable | Enforcement |
| **Tier 1** | Unkempt lawn, unmowed grass, junk or lawn furniture kept in front, or yard improvements of less than $100 | To be remedied within 1 week of notification | *$25 weekly fine* for non-action after 1 week<br><br>*$50 weekly fine* for repeated non-action without proper correspondence with HOA |
| **Tier 2** | Small amounts of rotting exterior boards and visible degradation to structure, dangerous/diseased trees, improvements totaling less than $1000 | To be remedied within 1-2 months of notification | The HOA will correspond with homeowner to arrange an agreeable timeline for repairs<br><br>For non-action or lack of correspondence, the HOA will levy a *$25 weekly fine* until an agreement |
| **Tier 3** | Degraded roofing, significant landscaping or structural work, improvements totaling $1000+ | To be remedied within 3-6 months | The HOA will correspond with homeowner to arrange an agreeable timeline for repairs<br><br>For non-action or lack of correspondence, the HOA will levy a *$25 weekly fine* until an agreement is reached |

# -- END OF SINGLE-FAMILY SECTION --

# ARCHITECTURAL GUIDELINES - BRITTANY WOODS– SECTION B: TOWNHOMES SECTION

*The following Single-Family section items also apply to the Townhomes Section: 1, 2, 3, 4, 7, 17, 18, 19, 20, 21, and 22. These sections should be reviewed and adhered to as a requirement of both sections A&B.*

## 26. PURPOSE

*The following Architectural Guidelines and procedures address any modification (i.e., change, deletion, or addition) that affects the exterior of a townhome. Examples may include painting, installation of screen and storm doors, gutters, landscaping, trash can screen, etc. Property values are best maintained in a subdivision where appearance standards are most effectively upheld. Therefore, it is necessary to maintain a degree of consistency of appearance in the Townhome areas. The Board's main focus during the approval process is compatibility with the design character of the original structure and landscaping.*

## 26.1 WRITTEN APPROVAL REQUIRED

**26.1.1** Owners must obtain written approval from the Board before making any modifications to the exteriors of units.

**26.1.2** Existence of a similar or identical modification does not imply approval of any new proposal.

**26.1.3** An Architectural Request Form must be submitted to the ARC and approval obtained from the Board. The approval process for townhomes is the same as the single-family approval process.

**26.1.4** Modifications to townhomes must not detract from the quality of life of the neighborhood.

**26.1.5 Any** exterior modification to a townhome must be compatible with the design character of the original structure and landscaping. This is the main focus of the Board during the approval process.

## 27. CONSTRUCTION AND MAINTENANCE

**27.1 MODIFICATIONS MUST BE PROFESSIONALLY CONSTRUCTED OF DURABLE AND APPROVED MATERIALS.**

**27.2 MODIFICATIONS THAT CREATE A POTENTIAL ADDITIONAL MAINTENANCE EXPENSE FOR THE ASSOCIATION WILL NOT BE APPROVED.**

**27.3 MODIFICATIONS THAT ENCROACH ON COMMON GROUND ARE NOT ALLOWED.**

**27.4 THE EXPENSE OF MAINTENANCE OF MODIFICATIONS WILL BE THE RESPONSIBILITY OF THE HOMEOWNER AND FUTURE PURCHASERS OF THE UNIT.**

## 28. MATERIALS AND COLOR

### 28.1 EXTERIOR MATERIALS

Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved

### 28.2 EXTERIOR COLOR CHANGES

Exterior color changes are generally discouraged and will receive approval only if the proposed color is in harmony with the colors originally used on the unit and in the community.

### 28.3 AREAS ELIGIBLE FOR REPAINTING

Only those areas that are painted may be repainted, and only those areas that are stained may be stained again. Brick and decking will remain unpainted and unstained. Any exterior painting must be approved by the Board.

## 29. SCREENS (INCLUDING TRASH), DECKS, PORCHES AND PLANTERS

### 29.1 THE BOARD INTENDS TO KEEP THESE STRUCTURES AS HARMONIOUS AS POSSIBLE WITH THE ARCHITECTURAL AND LANDSCAPE CHARACTER OF THE COMMUNITY.

### 29.2

Any privacy screen, deck extension or permanently positioned planter requires prior written approval from the board prior to installation. An architectural request form must be submitted.

### 29.3

Proportions of approved modifications must be in scale with the surrounding property and structures.

### 29.4

Fencing of any kind is prohibited.

### 29.5

All trash containers must be kept in the rear of the townhomes or screened. This is a city requirement. In special situations, the HOA, with city authorization, has allowed the containers to be kept in the front of a unit with approved screening installed. *Any screening must be approved by the board.* (Effective July 24, 2012)

***NOTE:*** *The Board of Directors amended the following Architectural Guidelines to clarify maintenance responsibilities for decks and other exterior features that have been modified by an owner. The following amendment is made to Section 27, "SCREENS, DECKS, PORCHES AND PLANTERS," of the ARC Guidelines. The amendment was made on the 24th day of July 2012, and has been revised to read as follows:*

### 29.7 MAINTENANCE OF COMMUNITY CHARACTER

Every effort will be made by the maintenance or architectural committees will make every effort to keep these structures as harmonious as possible with the architectural and landscape character of the community.

**29.7.1** Any privacy screen, deck extension or permanently positioned planter requires prior written approval from the Board of Directors or the Architectural Committee prior to installation. A detailed Architectural Request Form must be submitted.

**29.7.2** The style of any screened porch is to be in keeping with the architectural character of the community (i.e., pressure treated wood either stained to match the deck or painted white, roof material to match existing roof, etc.).

**29.7.3** Should any owner choose to modify his or her townhome by adding an approved screened in porch, sun room, enclosure, or other significant change or addition, the routine maintenance and replacement of the deck, in addition to any enclosed or changed building surface areas, shall be the responsibility of the owner from the date the work commences. To verify the owner understands that he or she is assuming this responsibility, the form shown below attached shall be submitted with the Architectural Application.

**29.7.4** Proportions of the proposed modifications must be in scale with the surrounding and/or existing property and structures.

### 29.8 ARCHITECTURAL MODIFICATIONS

Any architectural modifications to a townhome unit that the Board does not accept as standard and approves becomes the responsibility of the owner for maintenance maintaining and repairs and must have the following document executed and accepted by the Board before any construction begins.

## 30. VEHICLE CHARGING STATIONS

### 30.1 CITY REGULATIONS

Before installing a charging station, the homeowner must follow City of Raleigh regulations, found here (or on City of Raleigh's website), and submit an application to the ARC Committee.

### 30.2 PLACEMENT

The charging apparatus must be as inconspicuous as possible, mounted on the front of the townhome.

### 30.3 INSTALLATION AND APPLICATION

The installation must be done by a licensed electrician.

## 31. SOLAR PANELS

### 17.1 PLACEMENT

The townhome roofs are the responsibility of the HOA. Therefore, solar panels are prohibited.

## 32. VIOLATIONS

Violations will be dealt with by the Board as described below:

**30.1 FIRST OFFENSE** Warning notice

**30.2 SECOND OFFENSE** $25.00 fine

**30.3 THIRD OFFENSE** $50.00 fine

**30.4 FOURTH OFFENSE** As deemed reasonable by the Board

*Prepared By: Roger W. Knight, P.A. Return To: Roger W. Knight, P.A., 8510 Six Forks Road, Suite 102, Raleigh, NC 27615*

# APPENDIX A
# BRITTANY WOODS MAINTENANCE RESPONSIBILITY ACKNOWLEDGMENT

The undersigned Owner(s) of a townhome within the Brittany Woods community and member(s) of the Brittany Woods Homeowners Association, Inc. hereby agree as follows:

1. The undersigned is/are owner(s) of (townhome) in the Brittany Woods community and has or intends to modify the above-referenced townhome unit by adding to, changing or enclosing the deck as follows (describe proposed addition or modification):
2. The undersigned acknowledges and agrees that upon commencement of the proposed addition or modification, he/she/they assume(s) all responsibility for maintenance of the modification or addition and the deck of the above-referenced townhome, including but not limited to painting, staining, cleaning, repairing, and replacing all or any part of the modification or addition and the deck. The Brittany Woods Homeowners Association Inc. is hereby relieved of all maintenance responsibility for the modification or addition and the deck as of the date the work commences.
3. In addition to assuming maintenance responsibility as set forth herein, the undersigned agrees to indemnify and hold the Brittany Woods Homeowners Association, Inc. harmless for any and all liability associated with the addition and the deck, and for any and all maintenance responsibility for the modification or addition and the deck.
4. This agreement and assumption of maintenance responsibility shall survive any sale or transfer of the property and any transferee shall take title subject to this agreement and acknowledgment. This agreement shall be recorded in the Wake County Registry in the chain of title for the property. The undersigned owner(s) agree to pay the cost of recording this agreement and such cost shall be added to the next assessment of the property.

Agreed to this the day of, (Owner)

STATE OF NORTH CAROLINA, COUNTY

I, a Notary Public of the County and State aforesaid, certify that , who is/are personally known to me or who provided satisfactory evidence of his/her/their identity(ies), personally appeared before me this day and acknowledged the execution of the foregoing instrument and that said act was done voluntarily for the purposes stated therein. Witness my hand and official stamp or seal this day of 20xx.

My Commission Expires:

Notary Public

STATE OF NORTH CAROLINA, COUNTY

I, a Notary Public of the County and State aforesaid, certify that , who is/are personally known to me or who provided satisfactory evidence of his/her/their identity(ies), personally appeared before me this day and acknowledged the execution of the foregoing instrument and that said act was done voluntarily for the purposes stated therein. Witness my hand and official stamp or seal this day of 20xx.

My Commission Expires:

Notary Public

# APPENDIX B
# PAINTS COLORS

# APPENDIX C
# DESIGN PHOTOS FOR PORCH RAILS, FENCES, AND STORAGE SHEDS

The following illustrations are meant as suggestions or guides for homeowners as they develop designs that are in keeping with the colonial architectural style of the community. Each project is open to design variations.

The townhome section of the community has a unique architectural theme that must not be varied. Because the exterior of the townhomes is the responsibility of the community association the homeowners in this section are limited as to what changes they can make. However, there are a few exceptions such as the addition of storm doors, canopies over entry doors, and in special cases, the addition of screened porches. Any additions or changes to the townhomes require Board approval without exception. Usually, prior notification is all that is required for alterations such as storm doors, but prior notification must be given.

The Board must approve each project initiated by the homeowner involving these types of design changes or updates, and the homeowner must follow the approval requirements set forth in these documents.

The following design photos illustrate the types of porch rails, fences, and storage sheds that have been used in Brittany Woods; therefore, homeowners should use them as guides in deciding the design of similar additions or replacements.

# APPENDIX D
# FCC LAW

***NOTE:*** *You can find this law at http://www.ccfj.net/FCClaw.htm#:~:text=The%20new%20rule%20prohibits%20restrictions,antennas%20used%20to%20receive%20MMDS*

## The New Satellite Dish Law

Until January 1, 1997, Homeowner Associations could prohibit a homeowner from putting a satellite dish on his roof. With passage of the Telecommunications Act of 1996, your local HOA is prohibited from enforcing local laws banning, or even delaying mounting of, a satellite dish that is less than 39 inches (1 meter) in diameter.
What's more, they can't even require you to request permission to put the dish on your roof! And once it's up, they can't make you take it down or even move it unless you have either created a safety hazard (which they have to prove to the FCC) or you live in a historic district (listed in the National Register of Historic Places).

If your HOA is hassling you about a satellite dish you have put on your roof or are planning to put up, here is a chance to fight back with the Federal Government behind you! This is a fight the HOA cannot win.

The following is the verbatim text of a Fact Sheet published by the Federal Communications Commission (FCC) relating to this issue. Click here to see the **FCC Fact Sheet** (assuming the FCC hasn't moved it). If they have moved it, visit the FCC Web Page and search for satellite dish laws and regulations.

**FEDERAL COMMUNICATIONS COMMISSION**

FACT SHEET

August 1996

Placement of Direct Broadcast Satellite, Multichannel Multipoint Distribution Service, and Television Broadcast Antennas

As directed by Congress in the Telecommunications Act of 1996, the Federal Communications Commission has adopted rules concerning restrictions on viewers' ability to receive video programming signals from direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), and television broadcast stations (TVBS).

Receiving video programming from any of these services requires use of an antenna, and the installation, maintenance or use of these antennas may be restricted by local governments or community associations. These restrictions have included such provisions as requirements for permits or prior approval, and requirements that a viewer plant trees around the antenna to screen it from view, as well as absolute bans on all antennas. In passing this new law, Congress believed that local restrictions were preventing viewers from choosing DBS, MMDS, or TVBS because of the additional burdens that the restrictions imposed. To implement this legislation, on August 5, 1996, the Commission adopted a new rule that is intended to eliminate unnecessary restrictions on antenna placement and use while minimizing any interference caused to local governments and associations. This rule will become effective after it is approved by the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act.

The new rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. These antennas include DBS satellite dishes that are less than one meter (39") in diameter (larger in Alaska), TV antennas, and antennas used to receive MMDS. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use, (2) unreasonably increase the cost of installation, maintenance or use, or (3) preclude reception of an acceptable quality signal. This rule means that, in most circumstances, viewers will be able to install, use and maintain an antenna on their property if they directly own the property on which the antenna will be located.

The Telecommunications Act and this new rule are designed to promote competition among video programming service providers, enhance consumer choice, and assure wide access to communications. The rule allows local governments and homeowners' associations to enforce restrictions that do not impair reception of these signals as well as restrictions needed for safety or historic preservation. The rule balances these public concerns with an individual's desire to receive video programming. The Commission has asked for further comment on whether additional rules should apply to situations where a viewer wants to install an

antenna on property owned by a landlord or on common property controlled by a condominium or homeowners' association.

This fact sheet provides general answers to questions that may arise about the implementation of the rule. For further information, call the Federal Communications Commission at (202) 418-0163.

Q: What types of restrictions are prohibited?

A: The rule prohibits restrictions that impair a viewer's ability to receive signals from a provider of DBS, MMDS or TVBS. The rule applies to state or local laws or regulations, including zoning, land-use or building regulations, private covenants, homeowners' association rules or similar restrictions on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property. A restriction impairs if it: 1) unreasonably delays or prevents use of, 2) unreasonably increases the cost of, or 3) precludes a subscriber from receiving an acceptable quality signal from, one of these antennas. The rule does not prohibit safety restrictions or restrictions designed to preserve historic districts.

Q: What types of restrictions unreasonably delay or prevent subscribers from receiving a signal?

A: A local restriction that prohibits all antennas would prevent subscribers from receiving signals, and is prohibited by the Commission's rule. Procedural requirements can also impair the ability to receive service. Thus, local regulations that require a person to obtain a permit or approval prior to receiving service will delay reception; this is generally allowed only if it is necessary to serve a safety or historic preservation purpose.

Q: What is an unreasonable additional cost to install, maintain or use an antenna?

A: Any requirement to pay a fee to the local authority in order to be allowed to install an antenna would be unreasonable, unless it is a permit fee that is needed to serve safety or historic preservation or a permit is required in the case of installation on a mast greater than 12 feet. Things to consider in determining the reasonableness of any costs imposed include: the cost of the equipment and services, whether there are similar requirements for other similar installations like air conditioning units or trash receptacles, and what visual impact the antenna has on the surroundings. Restrictions cannot require that relatively unobtrusive DBS antennas be screened by expensive landscaping. A requirement to paint an antenna in a fashion that will not interfere with reception so that it blends into the background against which it

is mounted would likely be acceptable. In general, the costs imposed by local regulations cannot be unreasonable in light of the cost of the equipment or services and the visual impact of the antenna.

Q: What restrictions prevent a subscriber from receiving an acceptable quality signal?

A: A requirement that an antenna be placed in a position where reception would be impossible or would be substantially degraded would conflict with the rule. However, a regulation requiring that antennas be placed to the extent feasible in locations that are not visible from the street would be permitted, if this placement would still permit reception of an acceptable quality signal.

Q: Are all restrictions prohibited?

A: No, many restrictions are still valid. Safety restrictions are permitted even if they impair reception, because local governments bear primary responsibility for protecting public safety. Examples of valid safety restrictions include fire codes preventing people from installing antennas on fire escapes, restrictions requiring that a person not place an antenna within a certain distance from a power line, electrical code requirements to properly ground the antenna, and installation requirements that describe the proper method to secure an antenna. The safety reason for the restriction must be written in the text, preamble or legislative history of the restriction, or in a document that is readily available to antenna users, so that a person wanting to install an antenna knows what restrictions apply. The restriction cannot impose a more burdensome requirement than is needed to ensure safety.

Restrictions in historic areas may also be valid. Because certain areas are considered uniquely historical and strive to maintain the historical nature of their community, these areas are excepted from the rule. To qualify as an exempt area the area must be listed or eligible for listing in the National Register of Historic Places. In addition, the area cannot restrict antennas if such a restriction would not be applied to the extent practicable in a non-discriminatory manner to other modern structures that are comparable in size, weight and appearance and to which local regulation would normally apply. Valid historical areas cannot impose a more burdensome requirement than is needed to ensure the historic preservation goal.

Q: Whose restrictions are prohibited?

A: Restrictions are prohibited in state or local laws or regulations, including zoning, land-use or building regulations, private covenants, homeowners'

association rules or similar restrictions relating to what people can do on land within their exclusive use or control where they have a direct or indirect ownership interest in the property.

Q: If I live in a condominium where the land and the roof are commonly owned, or in an apartment building where the landlord owns the land and the roof, does this rule apply to me?

A: A Further Notice of Proposed Rulemaking has been adopted by the Commission, to obtain comments from interested persons about whether rules should apply in these situations. The Commission will use those comments to reach a decision on this question.

Q: What types of antennas are covered?

A:
A "dish" antenna that is one meter (39") or less in diameter or is located in Alaska and is designed to receive direct broadcast satellite service, including direct-to-home satellite service.

An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable). Such antennas may be mounted on "masts" to reach the height needed to establish line-of-sight contact with the transmitter. Masts higher than 12 feet may be subject to local permitting requirements.

An antenna that is designed to receive television broadcast signals. Masts higher than 12 feet may be subject to local permitting requirements.
Q: What can a local government, association, or consumer do if there is a dispute over whether a particular restriction is valid?

A: If the local authority defines the restriction as safety-related it is valid, unless a court or the Commission determines that it is not safety-related or is not the least burdensome way to ensure the safety goal. If a local government or association has "highly specialized or unusual" concerns about antenna installation, maintenance or use, it may apply to the Commission for a waiver of the rule, to have its restriction declared valid. Interested parties may petition the Commission or a court of competent jurisdiction for a ruling to determine whether a particular restriction is permitted or prohibited under this rule.

Q: Who is responsible for showing that a restriction is enforceable?

A: When a conflict arises about whether a restriction is valid, the government or association trying to enforce the restriction will be responsible for proving that the restriction is valid. This means that no matter who questions the validity of the restriction, the burden will always be on the local government or association to prove that the restriction is permitted under the rule or that it qualifies for a waiver.

Q: Who do I call if my town or neighborhood association is enforcing an invalid restriction?

A: Call the Federal Communications Commission at (202) 418-0163. Some assistance may also be available from the direct broadcast satellite company, multichannel multipoint distribution service or television broadcast station whose service is desired.