

Chain link or wire fences are not allowed.

6.10 Roofing. The Design Review Committee shall have the right to establish specific requirements for the pitch of any roof and the type of roofing materials which may be utilized for any structure.

(a) No solar or other energy collection panel, equipment, or device shall be installed or maintained on any Lot including, without limitation, the roof of any structure if the same would be visible from any street.

(b) No plumbing or heating vents, stacks, and other projections of any nature shall be placed on the roof on the front of a structure. All such vents, stacks, and any other projections from the roof of any structure shall be located on the rear roof of such structure and shall

(i) be painted the same color as the roofing material used for such structure and

(ii) to the extent practicable, not be visible from any street.

(c) No projections of any type shall be placed or permitted to remain above the roof of any structure except for approved chimneys and vent stacks.

6.11 Exterior Lighting. All exterior lighting for any structure, including, without limitation, free standing lighting and utility lights attached to a structure, must be approved by the Design Review Committee.

6.12 Garages and Carports.

(a) Each residential Lot shall provide off-street parking for at least four (4) motor vehicles, two (2) of which must be provided for with a carport or a garage which is equipped with garage doors. Carports shall be located at the rear or side of lot and shall not face the street.

(b) Garage doors shall be kept closed at all times except when in use. No garage shall be converted to any use other than for the parking of vehicles therein without the approval of the Design Review Committee.

(c) All automobiles owned or used by the Owner or Occupant of any dwelling and their respective family members shall be parked in carports or garages to the extent such space is available. Carports shall not be used for storage or for any other purposes or uses which would result in the space being unavailable for the parking of vehicles therein.

6.13 Mailboxes. Only one (1) mailbox shall be allowed on any Lot. All mailboxes shall be of the same type, design, color, and location as may be established in the Architectural Standards or as approved by the Design Review Committee.

6.14 Utility Meters and HVAC Equipment. All electrical, gas, telephone, and cable television meters, to the extent practicable, shall be located at the rear of all structures. All exterior heating, ventilating, and air conditioning compressor units and equipment shall be located, to the extent practicable, at the rear of a structure and, if the same are visible from the street, such compressor units and equipment shall be screened from public view by either walls or landscaping to be approved by the Design Review Committee.

ISSUE #1

Antennae and Satellite Dishes. No radio or television antenna, satellite dish, or other similar device or aerial shall be attached to or installed on any portion of the Property unless the same is contained entirely within the interior of a building or other structure, or is otherwise not visible from any street or adjacent Lot and is approved by the Design Review Committee. No radiation or transmission shall be permitted to originate from any Lot which may interfere with the reception of radio or television signals within the Property.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.15 (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:

Antennae and Satellite Dishes. No radio or television antenna, satellite dish, or other similar device or aerial shall be attached to or installed on any portion of the Property unless the same is contained entirely within the interior of a building or other structure, or is otherwise not visible from any street or adjacent Lot and is approved by the Design

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).