

MARKUP #1 ->

XII. MAILBOXES

Section 3.4 of the OCRA protective covenants states:

At the time of construction of a dwelling on each Parcel, there must be erected a mailbox bearing the house number. The design and materials of the mailbox (which must match the house on the Parcel) must be approved by the Architectural Review Committee. All mailboxes and house numbers must be erected by the Parcel Owners in strict conformity with design criteria and Development Plan approved by the Architectural Review Committee, which shall be common for each Parcel within a specific sector of the Subject Property.

Each property with a home constructed must maintain in good repair the designated standard mailbox for the area in which it is located.

House numbers must be clearly displayed on the address plate of the mailbox with appropriately sized stickers. This is the only placement of house numbers on the mailbox that is allowed by the ARC.

Climbing vines, bushes, and other fauna around mailboxes must be neatly trimmed.

Hanging baskets on mailboxes must be well-maintained and contain healthy, seasonal plants.

Any other items on mailboxes (mailbox covers, hanging baskets, decorations, etc.) are not permitted unless approved by the ARC. Holiday mailbox decorations will be permitted no more than 30 days before the holiday. Holiday mailbox decorations must be removed no later than 15 days after the holiday.

XIII. OUTBUILDINGS

Section 3.5 of the OCRA protective covenants states:

No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any Parcel at any time as a residence, either temporarily or permanently. No auxiliary structures may be placed on a Parcel unless same have been approved by the Architectural Review Committee.

Further, one (1) auxiliary structure is allowed if located in the rear yard of a dwelling which is enclosed by a privacy fence. Structure may be a maximum of 10 ft. by 12 ft. wide and a maximum of 8 ft. in height. Roof must be Weathered Wood in color, matching the color of the roof of the residence. No metal roofing permitted. Proposed plan for structure must be submitted to the Architectural Review Committee for approval along with a site plan showing location on lot.

Accessory buildings must not cause drainage problems on any lot. They must be kept in good repair. Accessory buildings that are not kept in good repair must be removed from the property.

XIV. SATELITE DISHES

Section 3.2(p) of the OCRA protective covenants states:

No outside radio, television, ham broadcasting, or other electronic antenna, aerial or tower, or any satellite dish or similar structure, shall be erected or maintained on any Parcel, except as approved in writing by the Architectural Review Committee, and none shall be visible from the front of any dwelling.

Satellite Receiving Dishes ("dish") installed, per the following guidelines, DO NOT require ARC approval:

- The dish must be no larger than 24 inches in diameter.
- Dishes must be installed within the boundaries of the Owner's Lot but not in Common Areas, the Conservancy, or adjacent lots.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.2(p) (p. 7): 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:

of the OCRA protective covenants states: No outside radio, television, ham broadcasting, or other electronic antenna, aerial or tower, or any satellite dish or similar structure, shall be erected or maintained on any Parcel, except as approved in writing by the Architectural Review Committee, and none shall be visible from the front of any dwelling.

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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