

Permanent yard decorations include, but are not limited to statuary, bird baths, concrete/metal furnishings, sun dials free standing flags, etc.

MARKUP #1 ->

1.19 Temporary Yard Decorations. Temporary yard decorations are those which are associated with the celebration of specific calendar events (e.g. a legal holiday). Such decorations shall be similar to those that are typically acceptable by the general public in celebration of the specific holiday. They may be installed within the general public’s conventionally accepted time period prior to the event and shall be removed within a reasonable time period following the event. Under no circumstances shall temporary yard decorations be controversial, offensive or disrespectful in nature of the specific event or be political in nature. The placement of temporary yard decorations on unimproved lots must first be pre-approved in writing by the Association’s Architectural Review Committee.

1.20 Signs. Except as provided for in Sections 1.21, 1.22, 1.23 and 1.24 of these Regulations, no signs may be erected on any lot or structure or displayed in any form to the public. No signs shall be nailed or fastened to any tree at any time.

1.21 Real Estate Signs. A standard real estate sign with the Points of Plantation Pointe logo, which has been designed exclusively for the Community, will be allowed. Said sign with post is to be placed within three (3) feet from either side of the driveway and up to three (3) feet from the road. For sale signs on vacant lots are to be placed near the center of the Lot and within three (3) feet from the road. Information boxes may be attached to the post. Details regarding the purchase of the signs may be obtained from the Association's web site www.thepointes.com or by contacting a Board member.

1.22 Security Signs. Signs for a bona fide security company may be placed close to the house or affixed to the mailbox post. Security signs are limited to no larger than one (1) square foot and no more than five (5) signs per lot.

1.23 Open House Signs. Commercial quality “Open House” signs commonly used by Realtors may be displayed continuously beginning at dawn two (2) days prior to an advertised open house date. “Open House” signs shall be removed from the property at sundown on the day of the advertised open house date.

1.24 Builder Signs. The Association's Architectural Review Committee shall specifically approve any builder sign. A builder’s commercially designed and constructed sign mounted on a post, which is to be located twenty (20) feet off and parallel to the roadway may be approved. Said sign shall display the lot and building permit numbers and shall be removed immediately following settlement with the owner or the termination of construction, whichever occurs first.

ISSUE #1

1.25 Sight Obstructions. No lower branches of trees or other vegetation shall be permitted to obstruct street lighting or the line of sight at roadway intersections.

1.26 Lot Elevation Changes. No elevation changes to any lot shall be permitted which materially affects the surface grade of the surrounding lots, unless approved in writing by the Association.

1.27 Radio and TV Antennas. No radio or television transmission or reception tower or antenna shall be erected on any lot unless cable or fiber transmissions are not available in which event customary antenna that do not exceed ten (10) feet in height above the roof ridge of any house to be located upon such lot will be permitted. All satellite dishes or like devices will be mounted on the house. Free-standing transmission or receiving towers, satellite dishes or like devices will not normally be permitted. However, if a signal cannot be obtained from a house mounted satellite antenna, a request to remotely locate an antenna must first be made to the Association’s Architectural Review Committee along with a letter from the satellite company stating the nature of the problem and how it could be rectified and written approval received prior to installing the antenna.

1.28 Driveways and Sidewalks. All driveways, sidewalks and entrances to garages or houses shall be concrete or a substance approved in writing by the Association's Architectural Review Committee in accordance with the Architectural Guidelines of the Association.

1.29 Tenants. It is the responsibility of the Owners of the property to notify the Board of Directors of the Association when a lease or sublease of a home in the Pointes of Plantation Pointe is extended to a tenant. It is also the Owner’s responsibility to see that the tenant has a copy of the Covenants, By-Laws, Architectural Guidelines, Rules and Regulations and that said tenants abide by such documents as if they are the Owners of the property.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 15 (p. 37): 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:

towers or antennae shall be erected on any Lot unless cable television is not available to a Lot, in which event customary antennae which do not exceed ten (10') feet in height above the roof-ridge of any house to be located upon such Lot will be permitted.

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).