

Association may, at its option, provide within any of the Common Areas, and require all Owners' use of, a community mail center.

6.19 Utility Meters and HVAC Equipment. All electrical, gas, telephone and cable television meters shall be located at the rear of all Dwellings. All exterior heating, ventilating and air conditioning compressor units and equipment shall be located, to the extent practicable, at the rear of a Dwelling 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 ARC. No window-mounted heating or air conditioning units or window fans shall be permitted.

ISSUE #1

6.20 Satellite Dishes and Antennae. No satellite dishes shall be allowed on any Lot or Dwelling. No radio or television antenna, radio receiver or other similar device or aerial shall be attached to or installed on any Lot or Dwelling or any other portion of the Property unless the same is contained entirely within the interior of a building or other structure, is not visible from any street, any adjacent Lot or Dwelling, or as otherwise approved by the ARC. No radio or television signals or any other form of electromagnetic radiation or transmission shall be permitted to originate from any Lot or Dwelling which may interfere with the reception of radio or television signals within the Development; provided, however, that Developer shall not be prohibited from installing and operating any equipment necessary for master antenna, cable television, security, mobile radio or similar systems within the Property.

6.21 Driveways and Sidewalks.

(a) All driveways and sidewalks for each Lot or Dwelling shall be constructed of asphalt or concrete. Other materials (e.g., brick pavers) may be used but only if approved by the ARC. All driveways and sidewalks shall be paved; chert, gravel and loose stone driveways and sidewalks are prohibited. No driveways for a Lot or Dwelling shall connect directly to Liberty Parkway; provided, however, that the foregoing shall not be applicable to any of the private or public roadways within the Property or any of the roadways within the Property which may constitute Common Areas. No more than one (1) driveway and curb-cut shall be allowed for each Lot or Dwelling, which driveway and curb-cut shall be set back from Lot lines as required by the ARC.

(b) "Dry-stacked" stone headwall facings will be required at each crossing of a drainage swale at the driveway entrance into any Lot. Any such stone installation shall match the color, texture and stacking pattern of the stone on the gate house at the entry to Old Overton Estates within the Development. In addition, any drainage swales receiving stone shall match the headwall facing stone.

MARKUP #1 ->

MARKUP #1 - CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.20 (p. 42): 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:
Satellite Dishes and Antennae. No satellite dishes shall be allowed on any Lot or Dwelling. No radio or television antenna, radio receiver or other similar device or aerial shall be attached to or installed on any Lot or Dwelling or any other portion of the Property unless the same is contained entirely within the interior of a building or other structure, is not visible from any street, any adjacent Lot or Dwelling, or as otherwise approved by the ARC.

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).