

MARKUP #1 ->

6. All pots shall match in design, tone, and theme.
7. No hanging pots are not permitted.

REAR YARD

1. Backyard landscaping plans need only to show any structures (i.e. patio covers, pools/spas, water features, sheds, play structures, etc.) that will exceed the height of the existing fence **or** are visible from adjoining Homesites or Common Area. Backyard landscape, hardscape (walkways, patios, etc.) and decks which are not visible from the streets or exceed the height of the fence do not need ACC approval.
2. Nothing shall be constructed in the rear yard that exceeds the height of the fence. The exceptions are found in the Play Equipment, Patio Structure, and Shade Structure Rules.

SATELLITE DISHES AND ANTENNAS

Satellite Dishes and standard, or HDTV antennas (herein termed “Permitted Receptors”) may be installed that have a diameter, or diagonal measurement of on meter (39.38 inches), or less. These Permitted Receptors are designed to receive direct broadcast satellite services, video programming via multi-point distribution services, or television broadcast signals. They may be installed on separate interest lots or units, subject to the following restrictions (provided that these restrictions do not unreasonably delay installation, increase expense, or preclude reception of a signal of acceptable quality):

1. Any Permitted Receptor shall be placed in one of the following preferred locations, in the following order:
 - a. in the rear yard below the fence line; or
 - b. at the rear of the house below the roof line.
 - c. located at the rear or side of the residence (except corner Homesites) in the least conspicuous (obvious) location visible from the common areas or public streets.
 - d. on the roof at the rear of the house.
2. If a Permitted Receptor cannot receive an acceptable signal in one of these preferred locations, then it shall be placed in an area which is of least visibility to neighboring lots and common area.
3. If a Permitted Receptor, is visible, or placed above the fence line, the exposed wiring shall be concealed as much as possible. Visible wiring shall be painted to match the background color to blend into its surroundings.
4. The owner of each lot or residential unit shall be responsible, at owner’s sole expense, for ~~maintenance, repair, replacement, or removal of any Permitted Receptor.~~
5. No other outside mast, tower, pole, antenna, or satellite dish shall be erected, constructed, or maintained within the Anatolia Community development.
6. ~~Do not run wires over rain gutters or across roof of house.~~
7. All wiring shall be painted to match the exterior of the residence, including the dish.

ISSUE #1

PAINTING

1. Color components are made up of (1) body, (2) fascia, (3) trim/garage door, and (4) front

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 18): 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:

No other outside mast, tower, pole, antenna, or satellite dish shall be erected, constructed, or maintained within the Anatolia Community development.

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).