

G. Mobile Home Park Areas(s)

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. C (p. 9): 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:

ANTENNAS. No antenna or other device for the transmission or reception of television signals, radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained outdoors on any property within Single-Family Areas, whether attached to a building or structure or otherwise.

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).

ISSUE #1

As each portion of LAKE FOREST NO. II is subdivided, the use classifications thereof, including any number of subclassifications thereof for any special uses, shall be fixed by the MASTER DEVELOPER, in its sole and absolute discretion, in the TRACT DECLARATION which may be RECORDED for that tract. *(Third Amendment, 1975)*

SECTION 3.02 SINGLE FAMILY AREAS: PERMITTED USES, AND RESTRICTIONS

Single-Family Areas shall consist of all property restricted to Single-Family Residential uses. All property within such areas shall be for the exclusive use and benefit of the OWNERS thereof, subject, however, to all of the following limitations and restrictions:

A. SINGLE-FAMILY RESIDENTIAL USE. All property within Single-Family Areas shall be improved and devoted exclusively to Single-Family Residential Uses. No gainful occupation, profession, trade or other non-residential use shall be conducted on any such property. Nothing herein shall be deemed to prevent the lease of such property from time to time by the OWNER thereof, subject to all of the provisions of the LAKE FOREST RESTRICTIONS.

B. ANIMALS. No animals or birds, other than a reasonable number of generally recognized house or yard pets, shall be maintained on any property within Single-Family Areas and then only if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. No animal or bird shall be allowed to make an unreasonable amount of noise, or to become a nuisance. No structure for the care, housing or confinement of any animal or bird shall be maintained so as to be visible from Neighboring Property. Upon the written request of any OWNER, the BOARD shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this paragraph, a particular animal or bird is a generally recognized house or yard pet, or a nuisance or whether the number of animals or birds on any such property is reasonable.

C. ANTENNAS. No antenna or other device for the transmission or reception of television signals, radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained outdoors on any property within Single-Family Areas, whether attached to a building or structure or otherwise.

D. IMPROVEMENTS AND ALTERATIONS. No improvements, excavation or other work which in any way alters the exterior appearance of any property within Single-Family Areas or the improvements located thereon from its natural or improved state existing on the date such property was first conveyed in fee by MASTER DEVELOPER or a PARTICIPATING DEVELOPER, as the case may be, to a Public Purchaser shall be made or done without the prior approval of the ARCHITECTURAL COMMITTEE, except as otherwise expressly provided in the LAKE FOREST RESTRICTIONS.

E. TEMPORARY OCCUPANCY. No trailer, basement of any incomplete building, tent, shack, garage, or barn, and no temporary building or structure of any kind shall be used at any time for a residence on any property within Single-Family Areas, either temporary or permanent. Temporary buildings or structures used during the construction of a dwelling on any such property shall be removed immediately after the completion of construction.

F. TRAILERS, BOATS AND MOTOR VEHICLES. No mobile home, trailer of any kind, truck camper, permanent tent or similar structure, or boat, shall be kept, placed, maintained, constructed, reconstructed or repaired, nor shall any motor vehicle be constructed, reconstructed or repaired, upon any property or street (public or private) within any Single-Family Area in such a manner as will be Visible From Neighboring Property; provided, however, that the Provisions of this Paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any improvement approved by the ARCHITECTURAL COMMITTEE.

The provisions of this Subsection 3.02 F. shall also apply to all those vehicles commonly referred to as recreational vehicles. The Master Association shall have the power at all times, and from time to time, to make and enforce rules which implement the provisions of this subsection, and any interpretation of the provisions of this subsection shall be within the discretion of the Master Association.