

vehicle is temporarily parked for the purpose of such lot. The parking of vehicles on the roads shall at times be subject to and in accordance with applicable laws. MARKUP #1 ->

- (11) No accessory structures shall be constructed, placed or maintained upon any residential lot prior to the construction of the main structure except by written permit of the Environmental Control Committee, but then only subject to the limitations of such permit, provided that this restriction shall not apply to temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of the main structure. This restriction shall not apply to any structure upon any residential lot to be used by Declarant as a sales office or in conjunction with the development or sale of residential lots by Declarant in the Development.
- (12) All garbage, rubbish, and trash shall be kept in covered containers. In no event shall such containers be maintained so as to be visible from neighboring lots, roads, or Common Areas. The storage, collection and disposal of garbage, rubbish and trash shall be in strict compliance with Association Rules.
- (13) Outside clotheslines or other outside clothes drying or airing facilities shall be maintained in such a manner and in such location as not to be visible from neighboring lots, roads or Common Areas.
- (14) Except by Declarant prior to sale and conveyance, no drilling, refinishing, quarrying or mining operations of any kind shall be permitted upon any lot and no derrick, structure, pump or equipment designed for use in any such activity shall be erected, maintained or permitted on any lot.
- (15) No improvement which has been partially or totally destroyed shall be allowed to remain on any lot in such state for more than six (6) months from the date of such destruction.
- (16) No gainful occupation, profession or trade shall be maintained on any residential lot or in any structure on any residential lot without the prior approval of the Environmental Control Committee, except that this provision shall in no way limit or restrict Declarant in its activities prior to the sale of all lots within the Development.
- (17) There shall be no hunting or discharge of firearms.
- (18) All improvements shall be constructed in accordance with applicable building line and setback provisions of applicable zoning ordinances, in compliance with all laws.
- (19) All fuel tanks or similar storage facilities shall either be constructed as an integral part of the main structure or shall be installed or constructed underground.
- (20) No outside toilet shall be constructed on any lot except a temporary facility maintained during, and used exclusively in connection with, the construction of improvements on the Lot. All plumbing fixtures, dishwashers, toilets or sewage disposal system shall be connected to a sewage system.
- ISSUE #1

(21) No exterior antenna of any sort shall be installed or maintained on any lot except of a height, size and type approved by the Environmental Control Committee, provided, however, that this restriction shall no apply to any cable T.V. facility installed by declarant.
- (22) No structure shall be occupied until the same has been substantially completed in accordance with its plans and specifications.
- (23) All structures constructed on any lot shall be constructed with a substantial quantity of new materials and no used structure shall be relocated or placed on any lot.
- (24) No owner of any lot, except Declarant, shall build or permit the building thereon, of any structure that is to be used as a model or exhibit unless a permit to do so has been granted by the Environmental Control Committee and then only subject to the limitations of such permit.
- (25) No fence shall be constructed on any lot except by declarant prior to sale and conveyance, unless and until it is approved by the Environmental Control Committee, and then only in strict accordance with the terms of such approval.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 31): 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:

(21) No exterior antenna of any sort shall be installed or maintained on any Jot except of a height, size and type approved by; the Environmental Control Committee, provided, however, that this restriction shall no apply to any cable T.

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).