

Section C - Sample Provision Excerpt (Public Preview)

landscaping, solar heating equipment, spas, antennas, utility lines or any other structure of any kind; provided, however, that improvements to the interior of any residence shall not be considered an Improvement, as defined herein.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. C (p. 5): 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...

CURRENT WORDING IN DOCUMENT:

landscaping, solar heating equipment, spas, antennas, utility lines or any other structure of any kind; provided, however, that improvements to the interior of any residence shall not be considered an Improvement, as defined herein.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

ARCHITECTURAL STANDARDS 1. GENERAL a. All requirements set forth within this section, which are pertinent to the development of the Owner's lot, shall be incorporated into the final plan submission in the form of general notes, details, or drawings. b.