

Sun Hills Protective Covenants

ISSUE #1

location of the structure on the lot have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. All man-made structure’s exterior to the approved dwelling must be similarly approved by The Architectural Control Committee, including but not limited to, swimming pools, man made ponds, fences, antennae, satellite dishes and windmills.

- b.

Approval of the Architectural Control Committee shall be provided in Part B and said approval by the Committee shall not be unreasonably withheld.
- c.

The Architectural Control Committee shall be entitled to charge a reasonable inspection and review fee and said fee shall be paid when plans are presented to the Committee.
- 4.a.

DWELLING SIZE AND LOCATION. No dwelling shall be permitted on any lot in which the living area of the main structure, exclusive of one-story open porches and garages, shall be less than 2000 square feet. The living area on the ground floor of the main structure shall not be less than 1500 square feet. All dwellings shall be located on a lot in such a manner that the topography, grade contour and finish grade elevations lend such house to the harmony and development of the area and are commensurate with the harmony and exterior design of other structures in the area. The the extent possible, new dwellings shall not inhibit the view of existing dwellings. To the extent possible lots shall be landscaped to preserve their natural state.
- b.

No building or structure of any kind shall be located on any lot nearer than 50 feet to the front lot line, nor nearer than 25 feet to any side or rear lot line. If the side lot line adjoins a public street, the building shall be set back 50 feet from that lot line. For the purposes of this covenant, eaves, steps, open porches, and decks shall be considered as a part of a building.
5.

DRAINAGE. No material change may be made in the ground level, slope, pitch or drainage patterns of any lot as fixed by the original finish grading except after first obtaining the approval of the Architectural Control Committee. Grading shall be maintained at all times so as to conduct surface waters away from structures and so as to prevent drainage problems for other lot owners.
6.

EASEMENTS OR ALLEYS. Easements or alleys for installation and maintenance of utilities and drainage facilities and for roadways are reserved as shown on the recorded plat. No shrubbery, trees or plantings shall be planted on said easement or alley. No buildings, fences or structures of any type shall be built over or across said easements or alleys but such easements or alleys shall remain open and readily accessible for service and maintenance of utility and drainage facilities.
7.

COMMERCIAL ENTERPRISES. No manufacturing or commercial enterprises shall be conducted or maintained upon, in front of, or in connection with any lot or lots, nor shall said lot or lots in any way be used for other than strictly residential purposes; except, that

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.a (p. 2): 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:

swimming pools, man made ponds, fences, antennae, satellite dishes and windmills. b. Approval of the Architectural Control Committee shall be provided in Part B and said approval by the Committee shall not be unreasonably withheld. c. The Architectural Control Committee shall be entitled to charge a reasonable inspection and review fee and said fee shall be paid when plans are presented to the Committee.

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).