

This is not a Certified Copy

- Structure.
- C. Carports. There shall be no carports on any Lot.
- D. Window Air Conditioner Units. There shall be no window or wall air conditioning units on any Lot.
- E. Mailboxes. All mailboxes must conform to standards set forth in the Rules and Regulations of the Association.
- F. Alarms. Any burglar alarms or security system installed upon a Lot which causes an audible sound or visual effect which may be heard or seen outside the Lot must contain a device that automatically disconnects the sound or light after the same has been on for a period of fifteen (15) continuous minutes. It is the intention of this provision to prohibit the annoyance to the Community which is occasioned by alarm devices or warning devices which do not cease to operate after a period of time.
- G. Docks. No docks, boathouse, or similar structure shall be constructed on any portion of a Lot or Water Management Tract or on any Common Area.
- H. Painting of Sidewalks. The permissible color and shade of paint for sidewalks on a Lot are as stated in the Rules and Regulations of the Association.
- I. Temporary Structures. Except as stated in the next sentence, no temporary structures shall be permitted on any Lot. The exception is the installation of children's recreation equipment approved by the ACC as to appearance and location.
- J. Landscaping. No bush or tree may impede vehicular or pedestrian traffic on any road, pass or sidewalk or in any way block any light source within the Community. No tree or bush may be planted closer than six (6) feet from a roadway. The minimum height of a tree or bush over the street is fourteen (14) feet and over a sidewalk is eight (8) feet. Planting of new trees, including those in any roadside swale area, shall be governed by written guidelines developed and amended from time to time by the ACC as approved by the Board.

ISSUE #1

Antennae and Satellite Dishes. The only antennae and satellite dishes permitted on any Lot shall be those that are protected by federal law. To the extent an acceptable signal,

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 23 (p. 24): 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:

Antennae and Satellite Dishes. The only antennae and satellite dishes permitted on any Lot shall be those that are protected by federal law. To the extent an acceptable signal, K.

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).