

reasonable sum therefor. The Homeowner's Association shall first, however, make a reasonable effort to notify the property owner prior to entering into an agreement to cut, trim or maintain said property. If said charge is not paid to the Homeowner's Association within thirty (30) days after a bill therefor is deposited in the mails addressed to the last known owner or lessee of the lot, at the address of the residence or building on said lot, or at the address of the owner as shown in the tax records of Brevard County, Florida, then said sum shall become delinquent and shall become a lien to be collectible the same as other delinquent fees as set forth in ARTICLE IX. Hereof. The Architectural Design Committee or its agent shall have the right, from time to time, to adopt reasonable rules, regulations and standards governing lawns, fences, hedges, trees or landscaping features.

5.11. No swimming pool shall be constructed, erected or maintained on any lot at a level higher than two (2") inches below the finished floor elevation of the residence. Screens for pools, decks or patios shall conform to the building's setback limitations and be attached to the single family structure.

5.12. Roofing material shall be of wooden shakes or shingles. The Architectural Design Committee, at their sole uncontrolled discretion, may approve architectural asphalt or fiberglass singles with a minimum weight of 300 pounds. Roofs must have a minimum five/twelve pitch.

ISSUE #1

5.13. No aerial or antenna of any kind, including dish antennas shall be placed on any lot.

5.14. No portion of any lot shall be used as a drying or hanging area for laundry of any kind, it being the intention hereof that all such facilities shall be provided within the building to be constructed on the Lot.

5.15. No boats, trailers, motor homes, other recreational vehicles or commercial vehicles or heavy equipment may be parked upon any lot unless hidden from view by a fence, garage or other opaque covering. This shall not apply to temporary parking by vehicles used for construction or repair of any improvements upon the lot.

5.16. During any period of construction of any major improvement upon any lot, the following restrictions shall apply:

- a) The owner or general contractor shall provide a "port-of-let" or similar toilet facility upon the lot for use by his workmen.
- b) The owner or general contractor shall provide a trash receptacle upon the lot and shall ensure that the lot be maintained free of all refuse and debris and that the trash receptacle shall be emptied regularly and maintained in good repair.
- c) No weekend construction on any lot shall commence before 8:30 a.m. on Saturdays or Sundays.

ARTICLE VI.

OBSTRUCTIONS TO SIGHT LINES.

6.01. No fence, sign, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot or

This document is a true copy of the original documents expect addresses have been updated, phone numbers deleted, and email addresses added where appropriate.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.13 (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 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:

No aerial or antenna of any kind, including dish antennas shall be placed on any lot.

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).