

ISSUE #1

11. Clothes Hanging and Antennas.

Clothes hanging devices exterior to a residence shall not be permitted. No exterior radio, TV or electronic antennas shall be allowed provided that lightning rods shall not be prohibited hereby. All such antennas shall be installed so as to be completely concealed from the public view, such as in attics or garages.

MARKUP #1 ->

12. Lot Upkeep.

All owners of lots with completed houses thereon shall, as a minimum, have the grass regularly cut and all trash and debris removed. If owners of such lots fail, in Developer's sole discretion, to maintain their lot as required herein, Developer is hereby authorized to so maintain their lot and said owners shall reimburse Developer for actual costs incurred therewith. This Paragraph shall be void and of no further force and effect when all of the lots in the Subdivision have been conveyed by Developer.

13. Signs.

No signs shall be displayed with the exception of a maximum of one "For Sale" sign upon each lot not exceeding 36" x 24". Notwithstanding anything to the contrary herein, Developer, its successors, agents or specifically designated assigns shall have the exclusive right to maintain signs of any type and size and for any purpose in the Subdivision and the exclusive right to use the words "Clubhouse Estates of Countryside" by themselves, or in combination with any other words, until all lots in the Subdivision have been conveyed by Developer. Any assignment of rights hereunder by Developer may be total or partial, exclusive or non-exclusive.

14. Architectural Control.

Prior to the commencement of the work described therein, all building plans and specifications, including plot plan and grading plan and material lists, for the original construction, alteration or addition of Structures or for the erection of walls, hedges or fences, all plans for the landscaping of yards that abut public streets and all plans or agreements relating to the color to be used on the exterior of a Structure, shall be approved in writing by Developer. Developer shall have the absolute right to approve or disapprove said plans at its discretion based upon the following criteria: (i) compliance thereof with these Restrictions and all applicable laws; (ii) harmony of external design, location and finish grade elevation with existing Structures and topography; (iii) quality of workmanship and materials and (iv) aesthetic considerations. This Paragraph shall be void and of no further force and effect when all of the lots in the Subdivision have been conveyed by Developer.

15. Amendments and Modifications by Developer

Notwithstanding any provisions of these Restrictions to the contrary, Developer reserves the right and authority at its sole discretion for a period of three (3) years from the date of recording of these Restrictions to amend, modify or grant exceptions or variances from any of the Use Restrictions set forth as Article I of these Restrictions without notice to other lot owners of the Subdivision and without any liability therefor to owners of other lots in the Subdivision or any other person or entity, whether private or governmental, provided that such amendments, modifications, exceptions or variances shall be substantially consistent with the general uniform plan of residential development set forth in Article I of these Restrictions. All amendments, modifications, exceptions or variances increasing or reducing the minimum square foot area of dwellings, pertaining to fence size, location or composition, or pertaining to the location of Structures on a lot in the Subdivision shall be conclusively deemed to be within the authority and right of Developer under this Paragraph. Any assignment of rights hereunder by Developer may be total or partial, exclusive or non-exclusive.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4 (p. 4): 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:

11. clothes,Hanging and Antennas- Clothes hanging devices exterior to a residence shall not be permitted. TV dr electronic antennas shall be allowed pro- No exterior-r"iio, rods shall- not be prohibited hereby.

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).