

RENOVATIONS

No building, outbuilding, garage, fence, wall, retaining wall, temporary or permanent storage shed, tent, or other structures of any kind shall be erected, constructed, placed or maintained on the properties, nor shall any dwelling or other improvements on each Unit, as originally constructed and provided by Declarant/Builder, be altered, changed, repaired, or modified unless prior to the commencement of any work thereof, a complete set of working plans including, as applicable, front, side, and rear elevations, and floor plans, and two (2) plot plans indicating and fixing the exact location of such improvements, structures or such altered structure on the Unit with reference to the street and side lines thereof, shall have been first submitted in writing for approval in writing by the Board of Directors. The foregoing prior approval is intended to specifically apply to the painting of the dwelling or any other maintenance or repair which changes the exterior appearance of a dwelling or improvements on a Unit.

1. No swimming pool, Jacuzzi or similar structure of appurtenant equipment shall be constructed, erected or maintained on any Unit such that it is visible from any street without prior approval of the Board of Directors.
2. No television or radio masts, towers, poles, antennas, aerials, or appurtenances may be erected, without approval of the Board of Directors.
3. Any screened patios, slab extensions, screen doors, and solid patio roofs must conform and must meet with Association design and colors specified. All solid roofs for screened patios will be WHITE aluminum, and all screened doors will be BROWN aluminum. All of the above mentioned must get prior written approval from the Board of Directors before any work is started. A sample of the patios solid roof material is also required. All requests for approvals must have a set of plans with all dimensions.
4. In the event that the Board of Directors shall fail, for a period of thirty (30) days to approve or disapprove any plans, specifications, or plot plans submitted to it for approval, the same shall be deemed to have been approved.
5. Any agent or member of the Board of Directors may at any reasonable time enter and inspect any building or property subject to the jurisdiction of the Board of Directors under construction or in which the agent or member may believe that a violation of the covenants, restriction, reservations, servitude’s or easements is occurring or has occurred.
6. All Units in the Association will be painted when the Board of Directors deem it necessary. All units will be painted the same color as when constructed by the developer (exterior only) and must be painted in the colors and paint used by the developer. **The Exterior paint information is:** Sherwin Williams Exterior Super Paint Satin Color 6378, crisp linen. Paint must be purchased from Sherwin William store to ensure proper color.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 7): 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 television or radio masts, towers, poles, antennas, aerials, or appurtenances may be erected, without approval of the Board of Directors.

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).