

ISSUE #1

MARKUP #1 ->

OUTSIDE ANTENNAS

No outside antennas or signal-receiving or sending dishes or devices are permitted ~~without prior consent (M.D. Article 6.11). The AMC will only consider approval of~~ devices that are small and concealed such that they are not visible from the street, common areas or neighbor's property.

EXTERIOR COLORS

Paint colors shall not be changed without consent (M.D. Article 6.12).

ROOF

All roof re-tiling must be submitted for approval. All roof re-tiling must utilize like materials.

AIR CONDITIONING UNITS

Only central air conditioning units are permitted (M.D. Article 6.17). There shall be no wall, sleeve or window units allowed.

Air conditioning units shall be placed in walled-in or landscaped areas (M. D. Article 6.18). Units within screened in areas will also be considered for approval by the ARC.

GARBAGE CONTAINERS, OIL/GAS TANKS, POOL EQUIPMENT

Garbage and refuse containers, oil tanks, bottled gas tanks, water filters and all permanently affixed swimming pool equipment and housing shall be placed in walled-in or landscaped areas (M.D. Article 6.18) to be obstructed from the view of neighboring areas. Screened in areas will also be considered for approval by the AMC.

SCREENING

Any screening added or replaced must be submitted for approval and be consistent with what is currently in the community. Replacement of window and door screens is not deemed to be an item for review, as long as replacement is made with like materials, colors and style. Screen frames are limited to white and bronze aluminum. Screens should be black. Entry screen enclosures are not permitted.

DRIVEWAYS

Any changes to a driveway must be submitted for approval. Driveways must be poured concrete, stamped concrete, or brick pavers, which may be stained. Paint is not permitted on driveways.

HOUSE AND WALL LIGHTING

Any changes to the exterior lighting on a house or wall must be reviewed.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.5 (p. 6): 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:

). - 5 - OUTSIDE ANTENNAS No outside antennas or signal-receiving or sending dishes or devices are permitted

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).