

ISSUE #1

SATELLITE DISH / ANTENNAS

Pursuant to Article 11.7 of the Declaration of Condominium, written Board approval is required before installing a satellite dish or antenna. The dish or antenna must be attached to the house or located within the dwelling patio area.

FIRE PITS

The use of in-ground fire pits, free-standing fire pits and/or chimineas which burn wood are prohibited.

Gas fire pits must be installed and utilized in adherence to the local fire code.

LANDSCAPING

PLANTING SHRUBS

Pursuant to Article 6.5 of the Declaration of Condominium, written Board approval is required before planting or removing any shrubbery. The Unit Owner must submit a Work Order on the property management portal. Notwithstanding the foregoing, Board approval is not required for the replacement of plants and/or shrubbery on the private patio area of a dwelling on a Unit.

TREES

The planting of additional trees on a Unit is not permitted without first obtaining written Board approval.

Trees previously planted on a Unit by a Unit Owner that require replacement may be replaced by the Unit Owner at the Unit Owner's expense, pending written Board approval.

Pursuant to Article 6.2 of the Declaration the replaced tree will be maintained by the Association.

The planting of fruit trees anywhere on a Unit or in the Condominium is prohibited.

UNIT GROUND COVER

Mulch utilized on the Unit may be shades of light to dark brown or black. The use of red mulch anywhere on a Unit is prohibited. Architectural rocks or stone may also be used within the Unit with edging to segregate the architectural rocks or stones from grassy areas. Unit Owners may utilize edging such as black vinyl or hard plastic, scalloped concrete, or straight edge concrete. The Association is not liable for damage to edging by volunteers or maintenance workers.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 11.7 (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:

of the Declaration of Condominium, written Board approval is required before installing a satellite dish or antenna. The dish or antenna must be attached to the house or located within the dwelling patio area. FIRE PITS The use of in-ground fire pits, free-standing fire pits and/or chimineas which burn wood are prohibited. Gas fire pits must be installed and utilized in adherence to the local fire code.

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).