



14.4.1. c Preservation Area Easements. An Owner may not in any way alter or change the natural state of any portion of his Lot subject to a Preservation Area Easement without the prior written consent of Martin County, Florida and the Architectural Review Board. So as to assist in the cleansing of surface drainage water and to reduce the cost of landscaping and its maintenance, each Owner is encouraged to remove no more of the indigenous native vegetation from the remaining portion of his Lot than is necessary to complete his improvements.

14.4.1. d Construction of Bike Path By Owner. Prior to the issuance of a certificate of occupancy for a Home constructed on a Lot, the Owner of the Lot, at the Owner's expense, shall construct a concrete Bike Path five feet (5'0) in width along the entire frontage of the Lot in accordance with Martin County specifications, the exact location of which shall be within the Drainage and Bike Path Easement on the Lot and as more specifically determined by the Architectural Review Board of the Association. Lots 1, 2, 19, 20, 21, 22, 23, 30 and 31 are exempt from this requirement. The Bike Path to be constructed on Lots 18 and 29 will be extended only partially along the frontage of those Lots. The Bike Path to be constructed on Lot 24 will extend along the entire frontage of the Lot on SE Red Apple Lane.

14.4.2 Use of Recreation Vehicles on the Property. Recreation vehicles, mobile homes, campers, trailers or similar vehicles shall not be used as residences on any part of the Property for any period of time whatsoever.

14.4.3 Nuisances. No Owner or other authorized occupant of any Lot shall cause or permit any unreasonable or obnoxious noises or odors to emanate from, or cause or permit any nuisances or immoral or illegal activities upon, his Lot or any part of the Property.

14.4.4 Animals and Pets. Dogs and cats may be kept on a Lot in reasonable numbers as pets for the pleasure and use of the Owner of a Lot, but not for any commercial use or purpose; provided, however, the Board of Directors shall have the authority to promulgate reasonable Rules and Regulations regulating the keeping or harboring of pets. The Board of Directors shall have the right to require a pet to be removed from a lot if the pet causes an unreasonable source of annoyance to any Owner, or if this provision or any Rules and Regulation promulgated pursuant hereto are violated. No horses or other farm animals shall be kept on a Lot for any purpose.

14.4.5 Parking Limitations. Recreation vehicles, mobile homes, campers, trailers, boats, and commercial vehicles shall be parked or stored on Lots, only, and shall be parked or stored only within a garage or otherwise in such manner as not to be visible from any part of any Roadway Area. The temporary parking of commercial vehicles for purposes of deliveries shall not be prohibited.

14.4.6 Signs. No signs of any kind shall be displayed on any Lot without the prior written approval of the Architectural Review Board, except "for sale" or "for lease" signs not exceeding eighteen inches by twenty four inches in size, and except such signs as are deemed necessary by Declarant, its successors, assigns or designees, in the construction, development, sales and leasing operations of Declarant.

14.4.7 Antennas, Aerials and Satellite Dishes. No antennas, aerials or satellite dishes of any kind shall be placed upon the roof or exterior of any Home, nor shall any Owner place or cause any antenna, aerial or satellite dish to be placed upon any part of his Lot, without the prior written approval of the Architectural Review Board.

14.4.8 Trade, Business or Profession. No Owner or other occupant of any Lot or Home may conduct or carry on any trade, business, profession or other type of commercial activity on any Lot or in any Home or otherwise upon the Property.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 14.4.7 (p. 18): 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:

Antennas, Aerials and Satellite Dishes. No antennas, aerials or satellite dishes of any kind shall be placed upon the roof or exterior of any Home, nor shall any Owner place or cause any antenna, aerial or satellite dish to be placed upon any part of his Lot, without the prior written approval of the Architectural Review Board.

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).

ISSUE #1