comfort, or serenity of the occupants of surrounding property. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon tending to cause embarrassment, discomfort, annoyance, or nuisance to any person using any property adjacent to the Lot. There shall not be maintained any plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Community or any other community within Tampa Palms.

SECTION 9. **Unlawful Use.** The Association and the Owners shall comply with all applicable laws, zoning ordinances, orders, rules, regulation or requirements of any governmental agency relating to the Community.

SECTION 10. **Unsightly or Unkempt Conditions.** The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken in any part of the Community. The portions of the Lots visible from other Residential Units or from any Common Area must be kept in an orderly condition.

ISSUE #1

SECTION 11. **Antennas, Other Devices.** No exterior television or radio antennas, satellite dishes, or other apparatus of any kind designed for transmission or reception of radio or television signals shall be placed, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the Board or its designee and if approved shall be constructed and maintained pursuant to all applicable government rules and regulations.

SECTION 12. **Clotheslines, Garbage Cans, Fuel Storage Tanks, Etc.** All clotheslines, garbage receptacles, gas meters, air conditioning, heating, pool equipment, materials, supplies or other equipment placed or stored outside shall be located or screened so as to be concealed from view of neighboring Lots, streets, and other property located adjacent to the Lot. All rubbish, trash, or garbage shall be regularly removed from the Lot and shall not be allowed to accumulate thereon. No fuel or gas storage tanks shall be permitted; however, an Owner may keep and maintain a small gas tank for gas barbecues or fireplaces.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9. (p. 16): 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:
SECTION' 11. Antennas, Other Devices. No exterior television or radio antennas, satellite dishes, or other apparatus of any kind designed for transmission or reception of radio or television signals shall be placed, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the Board or its designee and if approved shall be constructed and maintained pursuant to all applicable government rules and regulations.

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).