

ISSUE #1

MARKUP #1 ->

(1) Utilities. All electric and telephone service lines and wiring for any building erected on a lot shall be underground, and no exterior antennas or satellite dishes shall be permitted on any lot.

(m) Utility Easement Reservation. Easements for the installation and maintenance of utilities are reserved where necessary for such installation and maintenance.

(n) Mineral Exploration. No exploration or drilling for oil, gas or other minerals, and no oil refineries of any kind shall be permitted or allowed on any lot in the subdivision.

(o) Environmental Regulation. All federal laws, laws of the State of Florida, laws of Escambia County and any related rules and regulations of their respective administrative agencies now and hereafter in effect with regard to sewage disposal, water supply, sanitation, and land use are incorporated herein and made a part hereof.

(p) Pollutants. In the interest of public health and sanitation and in order that the property described above and ell other land in the same locality may be benefited by a decrease hazards of pollution and for protection of water supplies, recreation, wildlife and other public uses of storm drainage facilities, no owner or occupant of any lot in the subdivision shall use such lot for any purpose that would result, directly or indirectly, in the draining or dumping into any drainage system, any refuse, sewage, or other material which might tend to pollute the waters.

(q) Recreational Vehicles. Every residential structure constructed shall contain, at a minimum, a double garage, in addition, each residential structure shall contain adequate storage for the parking and/or storing of automobiles, boats, trailers, campers, motorcycles, motorbikes and all other like vehicles and equipment. No trailer, mobile home, camper, motorbike, motorcycle, motor scooter, boat, boat trailer, house trailer, tractor, or commercial vehicle of any kind, or any other vehicle, machine, equipment or apparatus other than operating passenger vehicles shall be parked in any driveway or on any lot in the subdivision except in a garage or other appropriate storage area approved in advance by the Architectural Control Board or the Architectural Review Committee and no such non-passenger vehicle shall at any time be used as a residence, temporary or permanent. Recreational vehicle status is determined by the manufacturer’s original equipment classification. Conversion vans with market modifications must not exceed eight (8) feet in height and comply with all other existing covenants and restrictions contained herein. Disability equipped vans must comply with federal and state height, weight and other specifications.

(As amended January 2022.)

(r) Recreational Equipment. No basketball goals or other recreational equipment or devises may be attached to a residence or garage. Any other location for such equipment must be approved by the Architectural Control Board or its Architectural Review Committee.

(s) On-street Parking. On-street overnight vehicle parking is strictly prohibited. For the purpose of this restriction, any vehicle that arrives and is parked on the street between the hours of 11:00 p.m. and before 7:00 a.m. for any length of

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. d (p. 10): 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:

Utilities. All electric and telephone service lines and wiring for any building erected on a lot shall be underground, and no exterior antennas or satellite dishes shall be permitted on any lot.

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).