

ISSUE #1

MARKUP #1 ->

6. Satellite dishes and solar panels may be regulated in accordance with applicable laws.
7. No detached accessory structures shall be constructed. Any screen enclosures, patios or other auxiliary construction shall be attached to the dwelling house and constructed of the same materials and colors, and shall be of the same general architectural style as the dwelling.
8. Exterior lighting must be either canister or solar lighting incorporated into the overall landscaping or building architecture and be designed to minimize the casting of light into other parcels. Strip lighting not disruptive to neighboring property shall be permitted only on improvements at the rear of the dwelling, including on any rear deck, but strip lighting must not be visible from the frontage of any parcel. Lighting disruptive to neighboring property shall not be permitted. This paragraph shall not prohibit the installation of holiday decorations, including decorative holiday lighting, from the third week of October through the first week of January of each year, provided there is no unreasonable annoyance to other residents, and the decorations and lights are removed at the close of the first week of January.
9. No pool, whirlpool, jacuzzi or similar type of device shall be permitted outside the enclosed areas of the residences as constructed by the Developer.
10. Fence material must match fence material installed on adjacent Parcels in harmony with the neighborhood as approved by the ARC. No fence, deck or other improvement located outside the enclosed areas of the residence shall be permitted.
11. No trash, rubbish, grass clippings, or other refuse shall be kept on any property except in sanitary containers concealed from public view. Yard debris may be placed curbside in approved containers 48 hours prior to the scheduled county sanitation service.
12. Exterior paint color must be consistent with the harmony of exterior design and appearance of the community, and approved in advance by the ARC.
13. No signs shall be allowed on the property at any time except one sign of not more than one square foot, designating the name of the resident, and a sign advertising the dwelling for sale or rent as approved by the ARC.



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 1 (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:**

Satellite dishes and solar panels may be regulated in accordance with applicable laws. No detached accessory structures shall be constructed. Any screen enclosures, patios or other auxiliary construction shall be attached to the dwelling house and constructed of the same materials and colors, and shall be of the same general architectural style as the dwelling.

**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).