



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

within one (1) year after damage occurs, unless prevented by causes beyond their reasonable control.

ARTICLE IX

USE RESTRICTIONS

All real property comprising PINEHURST and any additional lands which may become subject to this Declaration by Supplemental Declaration, shall be held, used and enjoyed subject to the following limitations and restrictions, and further subject to the exemption of Declarant, Developers and Adjacent Land Owners, in Sections 11. and 17. of this Article IX.

Section 1. Residential Purposes. The Property shall be used for residential and related recreational use only and not for commercial, trade or business purposes.

Section 2. Signs. No sign, poster, display, billboard or other advertising devise of any kind shall be displayed to the public view on any portion of the Properties without the prior written consent of the Board, except signs, regardless of size, used by Declarant or used by Developers after approved by Declarant, its successors or assigns, for advertising during the construction and sale period.

Section 3. Driveways. All roads and driveways shall be maintained in the style originally established by the Declarant.

Section 4. Common Properties and Restricted Common Property. The Common Properties and Restricted Common Property shall be used only for the purposes for which they are intended to be used in the furnishing of services and facilities for the enjoyment of the Residential Living Unit Owners.

Section 5. Trash Containers. All trash and trash containers and contents thereof shall be stored in a screened-in area or in garages.

Section 6. Exterior Antennae. No exterior radio, television or other electronic device antennae shall be permitted on the exterior of any Residential Living Unit or building containing such units without the prior written approval of the Association.

Section 7. Parking. Automobile parking spaces may be used only for parking automobiles that are in operating condition and for no other purposes, and no parking space may be used by a person other than an occupant in actual residence or a guest of an occupant when actually visiting an occupant. The word "automobiles" as used herein shall not include commercial vehicles, campers, recreational vehicles, boats, trailers, or any vehicle not susceptible to registration by the State of Florida as an "automobile". Automobile parking spaces, if any, that are designated as Restricted Common Property, may each be assigned to a separate Owner by the Declarant, a Developer or the Association, if Declarant assigns its right totally or partially to the Association or a Developer.

Section 8. Additional Temporary or Permanent Structures. No structure of a temporary or permanent character, including but not limited to, basements, tents, shacks, garages, barns, or other buildings shall be used or erected on any of the Common Properties without the prior approval of the Association.

Section 9. Pets. No animals of any kind shall be kept under any circumstances in a Residential Living Unit, or allowed upon the Property, except by prior written consent of and upon such terms and conditions as shall be imposed by the Declarant or the Board of Directors of the Association. If

Sec. 6. (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:

Exterior Antennae. No exterior radio, television or other electronic device antennae shall be permitted on the exterior of any Residential Living Unit or building containing such units without the prior written approval of the Association.

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).

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