

MARKUP #1 ->

Section 7.1 Only Residential Purposes. No Lot or Living Unit zoned residential shall be used in whole or in part for anything other than residential purposes, provided however, that each builder or developer may maintain model Living Units. Other than conducting the sale of Living Units, no trade, traffic or business of any kind, whether professional, commercial, industrial or manufacturing shall be engaged in or carried on upon the Properties or any part thereof; no hospital, sanitarium, church, private school, riding academy, tavern or any institution of similar or like character shall be conducted or maintained on The Properties, nor shall anything be done thereon which may be or which may become an annoyance or a nuisance to The Properties.

*Section 7.2 . Temporary Buildings No tent, shack, trailer, house trailer, garage or other outbuilding shall at any time be used on any Lot as a residence or living quarters, or any other purpose either temporarily or permanently, and no building or storage shed or dwelling of a temporary character shall be permitted, except during phases of construction as permitted by the ARB.

Section 7.3 Animals, Birds, and Fowls, No animals,livestock, or poultry of any kind shall be raised, bred, or kept on any Lot or in any Living Unit, except that a reasonable number of dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. In the event of dispute as to the reasonability of the

*As recorded 1/23/89 in O.R. Book 2035, p. 202 in the Public Records of Seminole County, Florida.

number of such cats, dogs, or household pets kept upon The Properties, the decision and opinion of the ARB shall control.

Section-7.4 Laundry

No clothes, sheets, blankets or other articles shall be Sarnitied to be or otherwise displayed on any part of The Properties except in a service yard or yard enclosed by a lattice, fence or other screening device approved by the ARB.

ISSUE #1

Section 7.5 Aerials
No radio or television or other aerial, antenna, tower or transmitting or receiving aerial, or support thereof shall be erected, installed, placed or maintained — upon any Lot or Living Unit or upon apy building or structure, except those devices which may be erected, installed, placed, or maintained and used under eaves or entirely within the enclosed portion of the individual dwelling unit or garage; and in no event shall such devices protrude above the highest point of the dwelling or Living Unit situated open such Lot.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.5 (p. 17): 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:

Aerials No radio or television or other aerial, antenna, tower or transmitting or receiving aerial, or support thereof shall be erected, installed, placed or maintained - upon any Lot or Living Unit or upon apy building or structure, except those devices which may be erected, installed, placed, or maintained and used under eaves or entirely within the enclosed portion of the individual dwelling unit or garage; and in no event shall such devices protrude above the highest point of the dwelling or Living Unit situated open such 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).