

Fences

The approved fence type for each lot is shown on the attached **The Crossing Fence Plan**. This fence plan may be modified at the discretion of the Developer, if in its sole opinion such a change will not negatively impact the neighborhood as a whole.

Fencing along the street side of a corner lot must be located inside the ten (10) foot side setback line for a corner lot and return to the rear corner of the home. In addition, a hedge consisting of three gallon plants shall be planted on the outside of the fence for at least 50% of the length of the side yard fence exposed to the street. Rear yard and side yard (non-corner lot) fences should be located along the property line and should fully enclose the yard.

Side yard fencing shall have a fence type that is consistent with the approved rear yard fence type, and shall not extend closer to the front of the house than the mid-point of the sidewall plane of the house. Fence location, height, composition and color should be submitted to the Developer for approval before installation. Fences shall not be installed within easements labelled **“Unobstructed Drainage, Access, and Maintenance Easement”** on the community’s recorded plats. These easements provide the Homeowners Association and its contractor’s access for maintenance of the ponds.

Fences and landscaping may be installed within easements labelled **“Drainage Easement”** on the plats, however the Association shall not be responsible to any homeowner for the repair or replacement of any damaged fence or landscaping within the easement that occurs during maintenance. Homeowners may not install any fence or landscaping that in any way damages or materially impacts the drainage function within these easements.

Satellite Dishes

Satellite dishes should be installed in the rear or side of the home site out of view from the street. Additional landscaping may be required to properly screen the dish from view of the adjacent

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 4): 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 Satellite dishes should be installed in the rear or side of the home site out of view from the street. Additional landscaping may be required to properly screen the dish from view of the adjacent The Crossing: Homeowner ARB Manual Page | 4 house.

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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