

Villa Milano Rules and Regulations

Approved and updated 2/16/2024

MARKUP #1 ->

ARCHITECTURAL GUIDELINES

Air Conditioners

1. No window air conditioners will be permitted.
2. Replacement of central air conditioner components will be in their original location unless approved by the ARB.

Antennae and Satellite Dishes

ISSUE #1

1. All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas or antenna towers are subject to the approval of the ARB. All antennas not covered by the Federal Communications Commission (FCC) rules are prohibited.
2. No such equipment may interfere with the radio or television reception of other homes.
3. The ARB requires that all such items be compliant with any restrictions as to location and height of antenna as imposed by applicable fire codes, electrical codes, zoning codes, and building codes.
4. All satellite dishes must be no larger than thirty-nine (39”) inches in diameter.
5. All antennae and satellite dishes must be mounted on the rear wall or back half of the sidewall of the house so as to not be visible from street. Satellite dishes should not be placed on top of roofs. Should you feel that your roof is the ONLY location that will give you proper reception, please contact the management company immediately and provide a copy of the proposed location and letter from installer stating why this is the necessary location for installation.
6. Homeowners will not permit their antennae and satellite dishes to fall into disrepair or to become a safety hazard, and will be responsible for their maintenance, repair and replacement, and the correction of any safety hazard.
7. If antennae or satellite dishes become detached, Homeowners will remove or repair such detachment in a timely manner of the detachment. If the detachment threatens safety, the Association may remove the antennae or satellite dish at the expense of the Owner, without prior notice.

Awnings

1. Retractable awnings (“Sun Setter” or roller style) are permitted on the rear of the home and must not be visible from the street. Frames must be white or bronze to coordinate with the trim of the house, with the fabric or cover material in a neutral color to complement the body color of the home. Swatches of the material color must be submitted with the ARB application.

Barbecues/Smokers/Grills

1. Barbecue grills, smokers and built-in barbecue units will be located at least 6 feet away from the property line. Their location must be carefully planned to minimize smoke or odors affecting neighboring properties and must be in compliance with all governmental regulations.

Canopies/Tents

1. The installation of a canopy (fabric gazebo) is not permitted. Exception will be for private parties and such fixtures or decorations may be installed 24 hours prior to and must be removed within 24 hours of the party. No other type of sun shade, tent or canopy cover will be approved.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 6): 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:

All outside antennas, antenna poles, antenna masts, electronic devices, satellite dish antennas or antenna towers are subject to the approval of the ARB. All antennas not covered by the Federal Communications Commission (FCC) rules are prohibited.

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).