

Architectural Control Committee Guidelines

MARKUP #1 ->

removed and replanted with ACC approval or appropriately pruned. Debris should not be allowed to accumulate on any portion of the lot.

- Planting / Flower Bedding Areas – Bedding areas shall be maintained throughout the seasons. Bare dirt should be covered and maintained with adequate amounts of mulching materials, weeds shall be removed, dead plants removed, trimmed, or replaced. If a bedding/landscaped area has become too much to maintain and to keep looking nice, consider submitting an ACC request to reduce the size of or to remove the bed and replace it with more manageable plantings.

LANDSCAPE ORNAMENTS & LIGHTING

- Yard/Lot Ornamentation - Examples of these might be urns, pots, window boxes, trellises, and the like. These ornamental items must be aesthetically pleasing and in keeping with the natural environment of the subdivision. They should be maintained in good shape without broken pieces and their plantings should remain healthy, tidy, and attractive throughout the seasons. Dead plantings should be removed and replaced or the ornament should be removed from view and stored until you are ready to replant. Furniture, sculptures, and decorative type bedding or lot ornamentation this is a great way to add curb appeal. The ACC recommends that you keep it simple and tasteful. It should not have a cluttered, messy, or unkempt appearance. Furniture you elect to display in your front lot should be clean and in good repair at all times and should be positioned near your front door, porch or entrance area.
- Landscape Lighting – Lighting is a great way to add curb appeal. Submission of an ACC plan is required to ensure that the lighting scheme is tasteful and is not disruptive to your neighbors.

D. OTHER

ISSUE #1

~~DOG RUNS~~ Plans for dog runs must be submitted to the Committee for review.

~~SATELLITE DISHES~~ Covenants for Haydens Walk prohibit all types of antenna on the outside of a residence. However, installation of no more than two (2) Satellite-TV Dishes, not to exceed 18 inches wide, shall be permitted provided they are installed only on the rear roof of the house in a non-conspicuous manner, or in an ACC approved non-conspicuous manner. No installation that is visible from the street without prior discussion jointly with the ACC and satellite dish provider will be approved. ~~yard installations as well~~ are not approved.

RECREATIONAL VEHICLES Covenants for Haydens Walk prohibit visibly storing recreational equipment. Please refer to sections 6.15 (Recreational Vehicles, Trailers and Other Vehicles) of the Covenants.

NUISANCE The Haydens Walk Covenants addresses the issues of community standards. Generally we will refer to the Covenants in the cases of nuisance or eyesore complaints filed with the Committee. Please note there are guidelines for these items, and you should refer to the Covenants for additional details.

GARBAGE & RECYCLING CONTAINERS Covenants for Haydens Walk require that all garbage and similar containers be screened and out of sight except for the night before and day of the regular pickup schedule. Any other garbage or items being discarded that do not fit inside the receptacle shall be placed completely out of sight except for the night before and day of the regular pickup schedule.

COMMON AREA USE The “Common Areas” of Haydens Walk includes the Subdivision Entrance / Pool / Pool House /Tennis Court / Parking Lot and adjacent landscaped areas. Lot owners and guests are expected to respect and maintain these areas for use by all residents. Rules are posted for the Pool and Tennis Court areas which users are expected to abide by. Additionally, no overnight or long term parking is allowed in the Common Area parking lot without prior written approval by the ACC.

In closing, the ACC regulates only the visual impact of structures. However, another potential disruption of neighborhood quality is noise. Homeowners should exercise care and common courtesy in using equipment that creates noise.

Consider location of improvements and impact to those who live near you. We all want to enjoy our neighbors and neighborhood for a long time....

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (p. 9): 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:

OTHER DOG RUNS Plans for dog runs must be submitted to the Committee for review. SATELLITE DISHES Covenants for Haydens Walk prohibit all types of antenna on the outside of a residence. However, installation of no more than two (2) Satellite-TV Dishes, not to exceed 18 inches wide, shall be permitted provided they are installed only on the rear roof of the house in a non-conspicuous manner, or in an ACC approved non-conspicuous manner.

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).