

- Culverts and headwalls will **not** be allowed.
- New or replacement driveways must be cut square where driveway meets street.

MARKUP #1 ->

(iii) Construction Timeline. The exterior of all structures must be completed within one year after commencement of construction, except where, in the sole discretion of the Declarant such completion within one year is not possible or would result in great hardship to the Owner or builder due to strike, fire, national emergency or natural calamity.

ISSUE #1

(iv) Utilities. All utilities shall be placed underground, and no exterior pole, tower, antenna or other device for the transmission or reception of television signals, radio signals or any other form or electromagnetic radiation, or for any other purpose, shall be erected, placed or maintained on any Lot except as may be constructed by the Declarant or approved in writing by the Declarant. Further, the design, type, location, size, color and intensity of all exterior lighting shall be subject to control by the Declarant and only such exterior lighting as shall have been approved in writing by the Declarant shall be installed or used on any Lot.

(v) Clotheslines, Garbage Cans, Woodpiles, Dumpsters, Gardens, Play Equipment. All clotheslines, garbage cans, woodpiles, dumpsters, etc. shall be located or screened so as to be concealed from view of neighboring Lots and streets, as approved by Declarant. All rubbish, trash, and garbage shall be regularly removed from the premises and shall not be allowed to accumulate thereon. A vegetable garden may be maintained in the rear yard of a Lot only.

Gardens

- Gardens of a non-ornamental nature (such as vegetable gardens) will **not** be allowed from the rear line of the house forward to the street or within 20’ of any property line.

Play Equipment

- Large semi-permanent play equipment will **not** be allowed from the rear line of the house forward to the street or within 20’ from any property line.
- Equipment must be of a non-offensive form, material, and color.

(vi) Mechanical Equipment. No heating, air conditioning or other mechanical equipment, and no fuel or water tanks or similar storage receptacles may be exposed to view. Such equipment and receptacles may be installed only within the main or accessory building, buried underground, or otherwise located. or screened so as to be concealed from view of neighboring Lots and streets, as approved by Declarant.

Mechanical Units

- Exterior mechanical units and meters should be located on the rear of a proposed residence; if not, appropriate landscaping must be added to conceal their view from the street.
- Equipment – no heating, air conditioning, water pumps, water / fuel tanks, mechanical equipment, or storage receptacles may be exposed to view.

(vii) Temporary Structure. No structure of a temporary character shall be placed upon any Lot at any time, except for shelters used by a building contractor during the course of construction. Such temporary shelters may not, at any time, be used as residences, nor be permitted to remain on the Lot after completion of construction.

(viii) Accessory Building. No accessory building shall be placed, upon any part of any Lot except in connection with a residence already constructed or under construction at the time that such outbuilding is placed or erected upon that Lot and with express written approval of Declarant,

Auxiliary Buildings

- Materials and colors will be consistent with majority of house.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. (iv) (p. 7): 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:

Utilities. All utilities shall be placed underground, and no exterior pole, tower, antenna or other device for the transmission or reception of television signals, radio signals or any other form or electromagnetic radiation, or for any other purpose, shall be erected, placed or maintained on any Lot except as may be constructed by the Declarant or approved in writing by the Declarant.

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).