

VILLAGES AT GODLEY STATION RULES AND REGULATIONS

MARKUP #1 ->

The following items have been found to best describe solar energy device installations, and therefore are recommended for inclusion in homeowner requests.

- To best describe the proposed design as well as aid in the efficient processing and successful approval of the request, it is strongly suggested to provide the following attachments to Solar Energy Device Installation requests:
 - 1) Site plan, with compass direction key, including roof elements (photo image preferred) with proposed solar panel/array locations indicated, to scale.
 - 2) Building elevations, and/or photo images, that capture the views of roof planes with depiction of proposed panel/arrays, to scale.
 - 3) Cut sheets from manufactures, describing all primary system components:
 - a. Solar Panels
 - b. Panel Rack System
 - c. Roof Mounting Fixtures
 - d. Power Inverters and other power management system components
- Any additional information necessary to describe the system or installation methods to be applied to the homeowner’s specific design is encouraged.

○ Installation

- Solar energy devices may only be installed by a professionally licensed installer and must meet all city, state and local permit and code requirements.
- Solar energy device installation may only occur after a complete ARC application has been filed and the ARC has provided written notice approving the specific solar energy device description identified in the application.
- Any modifications made after an approved application (i.e., model or brand, size, color, mounting material or configuration, location, etc.) shall render prior approval null and void, requiring the owner to submit a new or updated request, and await a separate/new written approval before beginning any installation.

ISSUE #1

➤ **Installing Antennas and Satellite Dishes**

Satellite dishes **MUST** be no larger than one (1) meter in diameter and are expected to be placed on the back half of the roof or on a pole in the back yard. If you cannot receive the required signal at either of these locations, it **MUST** be placed in the least visible location from any other lot while affording reception.

➤ **Adding Decks, Patios, Screened Porches and Other Structures**

Decks, gazebos, patios, pergolas, screened porches and other structures will only be permitted in the backyard. Decks and patios **MUST** be natural in color. Deck should not extend past the width of the house and should be no more than twenty (20) feet in depth.

➤ **Altering Driveways**

Any substantive changes to driveways such as extending, widening, paving, concrete stamping, etc.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VILLAGES AT GODLEY STATION RULES AND REGULATIONS (p. 11): 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:

Installing Antennas and Satellite Dishes Satellite dishes **MUST** be no larger than one (1) meter in diameter and are expected to be placed on the back half of the roof or on a pole in the back yard.

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).