

Rocks that are **NOT** permitted include, but not limited to: Lava Rock, Crushed Gravel, and Pea Gravel.

MARKUP #1 ->

(e) **Landscape Edging**

Landscape and mulched areas should be edged to provide a well-manicured appearance. The preferred border is a properly maintained narrow trench. Other borders may be approved on a case-by-case basis and will be evaluated based upon their relationship to the residence and neighboring Lots. In general, the following landscape borders are acceptable:

- (i) Solid brick (no visible holes) which match the main structure
- (ii) Natural rock six inches in diameter or larger (beige tones)
- (iii) Rough texture modular block may be used except within the front setback line or otherwise when deemed highly visible from the street or golf course. Permitted colors are buff, beige, tan, or custom color to match wall of house; gray will not be permitted.
- (iv) Treated 6"x6" timbers may be used within the front setback line or otherwise when deemed highly visible from street or golf course. Timbers are not allowed on the rear of golf course Lots.
- (v) Continuous decorative concrete edging provided that the color, texture, and profile must be approved. Preferred colors are beige or buff tones. Neither bright colors nor gray tones will be permitted.
- (vi) Metal edging may be approved for installation in certain areas where other types of edging will not remain in place. If metal edging is installed it shall be installed with a finished height no taller than the finished grade of the existing turf.
- (vii) Creosote railroad ties, plastic, rubber, metal, and scalloped top concrete edging are not permitted.

(f) **Utility Element Screening**

Evergreens shall conceal air conditioner units, transformers, utility meters, ground-mounted satellite dishes, and any utility and other areas if they are not screened by a portion of the home structures. All utility elements such as exhaust vents, utility boxes, meter boxes, disconnect switches, conduits/wires, telephone boxes or any similar utility device must be painted the same color as the adjacent wall.

(g) **Artificial Turf**

Artificial Turf may be approved on a case-by-case basis with ARC approval. ARC must receive a physical sample of Turf to be used. Turf will only be considered in rear yards, not to extend past the house and must be well screened.

Section 2.06 **Mailboxes**

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 14): 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:

Evergreens shall conceal air conditioner units, transformers, utility meters, ground-mounted satellite dishes, and any utility and other areas if they are not screened by a portion of the home structures. All utility elements such as exhaust vents, utility boxes, meter boxes, disconnect switches, conduits/wires, telephone boxes or any similar utility device must be painted the same color as the adjacent wall.

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).