

- e. SYNLawn Play Platinum (SKU: R251P).

Synthetic grass is not allowed in Front Yards or Rear Service Lanes.

7. Fences and Retaining Walls. All fences and retaining walls installed by the Developer shall remain. All new and replacement fences must match the original materials, dimensions, style and quality. No fences shall be higher than six feet measured from the adjacent ground. Fences and wall guidelines are primarily for replacement purposes and changes requested by the AOA. Chain link fences and lattices are permitting in Rear Private Yards provided the chain link fence or lattice does not exceed the height of the existing fence and is not visible from the street. Otherwise, no additional fencing is allowed. All replacement fences are to match the original material, finish and color. No chain link fences or metal fences are allowed nor shall chicken wire, lattice, or other barrier or fencing be placed or installed against or adjacent to the fences installed by the Developer. Solid exterior walls or retaining walls shall comply with any restrictions set forth in the specific guidelines for each neighborhood. All fences in neighborhoods developed under Optional Development Regulations are subject to DPP approved fence master plans.

8. Exterior Lighting. No light source shall be visible from the street or from neighboring Dwelling Units. All exterior lighting shall be subdued or shielded to prevent glare on surrounding properties and streets. Fixtures with full cutoff shields are preferred. The following types of lighting are permitted (Mercury vapor and low/high pressure sodium lamps are prohibited):

- a. low voltage, low-to-the-ground lighting installed for landscaping/garden accents;
- b. security lights, provided that any security light, including motion-sensitive lighting, must be of residential grade (not industrial or commercial) and must match the color of the house or trim;
- c. fluorescent lighting, provided that these fixtures must have an apron around the outside of the light which matches the surface to which it is attached and must block the light/glare to neighboring Dwelling Units and must restrict the light source to the Owner’s Dwelling Unit.

All related wiring must be furred or hidden from view. If not possible, then wiring and conduits shall be painted to match the surfaces on which they are fastened.

9. Installation of Electric Vehicle Charging Systems. Electric vehicle (“EV”) charging systems may only be installed in the garage of a Dwelling Unit. The DRC’s approval for the installation of an EV charging system is only required in those cases where the installation will be in the garage of a Townhome Building or will require trenching from the Dwelling Unit to the Detached Garage. The rules and guidelines for the installation of Electric Vehicle Charging Systems in Townhome Projects is attached as Appendix X.

10. Roofs. New roofs must replicate the original design in form, material and color. The roof pitch shall match that of the Dwelling Unit. Connections between existing roofs and new roof additions must preserve the overall form and architectural style. Flat or Mansard roofs are not permitted, except at covered walkways (where permitted). ~~Roofs made of fabrics (canvas, PVC tarpaulins, etc.) are not permitted.~~

11. Antennas and Transmission Reception Dishes. Only antennas or dishes permitted under the FCC’s Antenna Rule (47 C.F.R. Sec. 1.4000 et. seq.) may be installed. They should be installed in an area within the exclusive use or control of the Owner.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. X (p. 19): 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:

Antennas and Transmission Reception Dishes. Only antennas or dishes permitted under the FCC’s Antenna Rule (47 C.F.R. Sec. 1.4000 et. seq.) may be installed. They should be installed in an area within the exclusive use or control of the Owner. Ocean Pointe Design Guideline Compilation

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).