

ISSUE #1

Antennas

Owners must either obtain the prior approval of the Covenant Committee before erecting any satellite dish on their house or property or submit a notice of installation of any previously-installed satellite dish that had not been previously approved by the Covenant Committee. The Association acknowledges the right of an individual to receive video transmissions via direct broadcast service (DBS) and multipoint multichannel distribution (MMDS) pursuant to Federal law; however, the Association has an obligation to maintain aesthetic harmony throughout the community. Thus, the Covenant Committee wishes to blend these rights and obligations in a manner that is both respectful of individual rights and the interest of the entire community. The application or notice of installation must show the location of the dish. Every effort shall be made to locate the dish so that it is not seen from the street, and, if on the ground, installed as close to the home as possible. The Covenant Committee

reserves the right to require any homeowner to install landscape screening to conceal any dish from view. The Covenant Committee also reserves the right to require any owner who installs or seeks to install a dish in street view to demonstrate in writing that an acceptable quality signal is not available from a location on the lot that is or can be screened from street view. Dishes and hardware shall be of a standard manufacturer color, such as gray, brown, and off white. No exterior-mounted radio or television antennae/aerials are allowed. Such antennae or aerials may only be erected or maintained entirely *within* the dwelling.

Covenant Committee approval is based only on the aesthetics of the proposed change. See also **Approved Exterior Alteration Requirements**.

Awnings, Pergolas, Retractable or Fixed Sunscreens, and Sun Trellises

Awnings, Pergolas, Retractable or Fixed Sunscreens, Sun Trellises, and/or other wooden or synthetic porch / patio structures require approval by the Covenant Committee. A complete description and picture of the proposed item must be submitted along with a plat showing its location. Only rear yard installations will be considered for approval. Wooden ~~super~~structures may be stained or sealed; painting is prohibited. See **Painting and Staining** for additional information.

Covenant Committee approval is based only on the aesthetics of the proposed change. See also **Approved Exterior Alteration Requirements**.

Basketball Goals

All basketball hoops and goals require approval by the Covenant Committee. Permanent and temporary basketball goals may be placed in the driveway if situated no further than halfway down the driveway from the house. Temporary basketball goals must be properly weighted by filling the base with sand or similar material. No items may be placed on top of the base to add weight. Basketball hoops and goals

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. C (p. 13): 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:

ommittee also reserves the right to require any owner who installs or seeks to install a dish in street view to demonstrate in writing that an acceptable quality signal is not available from a location on the lot that is or can be screened from street view. Dishes and hardware shall be of a standard manufacturer color, such as gray, brown, and off white. No exterior-mounted radio or television antennae/aerials are allowed. Such antennae or aerials may only be erected or maintained entirely within the dwelling.

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).