

successors and assigns, the right to replat any two (2) or more lots show on the plat of any said subdivision in order to create a modified building lot or lots; and to take such other steps as are necessary to make such replatted lot suitable and fit as a building site to include, but not be limited to the relocation of easements, walkways and rights of way to conform to the boundaries of replatted lots.

15. Bridges and Walks.

The Declarant expressly reserves to itself, its agents or assigns the right to build any bridges, walkways or fix spans across any or all natural or man-made lakes, canals, creeks, ravines or lagoons in the Development. Nothing in this paragraph shall be constructed as placing an affirmative obligation on the Declarant or Association to provide or construct any bridge, walkway or fixed span unless such bridge, walkway or fixed span shall be shown and specifically designated on the recorded plan of the subdivision or section of lots referred to and incorporated in the deed of conveyance to the grantee lot owner asserting such affirmative obligation of the grantor Declarant.

16. Sight Lines.

On lots located at street intersections, no structure, tree, bush or line-of-sight obstruction of any kind shall be built upon, planted, or allowed to remain within a triangle, the apex of which shall be the corner of the lot at said intersection (or the intersecting point of lines tangent to the curve if such lot has a curved lot line) and two sides of which shall be twenty-five (25) foot segments of the lot lines (or tangents) extending from that apex; provided, however, that this restriction shall not apply to walls, fences or bushes less than three (3) feet high as measured from the street level.

17. Setbacks.

Since the establishment of standard inflexible setback lines for location of buildings and structures on lots tend to force construction of buildings both directly behind and directly to the side of other buildings with detrimental effects on privacy, view, preservation of important trees, etc., no specific setback lines are established by these Covenants other than that set forth in the preceding paragraph. Location of all structures shall be within the sole determination and control of the Environmental Control Committee.

18. TV Antenna.

No television antenna shall be installed or permitted to remain on any lot or building in the Development more than one month after central cable or similar service is available. No radio transmitter or antenna shall be constructed or permitted to remain on any lot in the Development except by written consent of the Environmental Control Committee.

19. Trucks.

No trucks or trailers of any kind shall be parked upon the streets of the existing Development except temporarily for the purpose of loading or unloading or during building construction or on any lot in the existing Development unless enclosed in a garage. ~~Truck is not to be constructed to mean a non commercial, multi passenger vehicle, including but not limited to non-commercial pick up truck or 3/4 ton or less, as~~

Sec. 18 (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:

TV Antenna. No television antenna shall be installed or permitted to remain on any lot or building in the Development more than one month after central cable or similar service is available. No radio transmitter or antenna shall be constructed or permitted to remain on any lot in the Development except by written consent of the Environmental Control Committee.

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).