



BK 18698 PG 375

MARKUP #1 ->

ISSUE #1

any Builder and their respective agents and designees, may maintain trailers and commercial vehicles on each of their respective portions of the Property (and in the case of the Builder on those portions of the Property of the Declarant which sold the Lots to the Builder) in connection with the development, sale, marketing and management of such Property. These restrictions also are intended to apply to those portions of the Property which may hereafter be dedicated as public streets or roads.

14. Lighting and Wiring; Antenna.

(a) Exterior lighting on Lots shall be directed downward and shielded to minimize the casting of light from such fixture onto neighboring Lots. All wiring on each Lot shall be underground.

(b) Except as specifically required to be permitted by applicable governmental regulations, no exterior antennas of any type, including, but not limited to, satellite dishes for reception or transmission, may be erected or maintained on any Lot; provided, however, that satellite dishes not in excess of one (1) meter in diameter are permitted subject to approval as to appearance, location and placement in accordance with Article III. The Board of Directors may impose reasonable rules and regulations regarding the location and screening of any such satellite dish, subject to applicable governmental regulations. Antennas situated entirely within a dwelling and not visible from the exterior of the dwelling are permitted.

15. Subdivision.

No Lot shall be divided or subdivided and no portion of any Lot shall be transferred or conveyed for any purpose; provided, however, that this shall not prohibit transfers of parts of Lots between adjoining Lot Owners where the transfer is for the purpose of adjusting the boundary between such Lots. The provisions of this subsection shall not apply to the Declarant and shall not be construed to prohibit the granting of any easement or right of way to any person for any purpose.

16. Signage.

(a) Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas," or "For Sale" or "For Rent" signs (not larger than six (6) square feet), no signs or advertising devices shall be erected, posted or displayed upon, in or about any Lot or Structure without the approval of the Architectural Review Committee. The provisions and limitations of this subsection shall not apply to any signs used by the Declarant or any Builder (which signage used by the Builder shall be approved in advance by the applicable Declarant) in connection with the construction, development, sale or marketing of the applicable portion of the Property, or to any Mortgagee of any Lot which comes into possession of the Lot by reason of any proceeding, arrangement, assignment or deed in lieu of foreclosure.

(b) Notwithstanding the prohibitions on signage contained in clause (a) above, an Owner may post or display on its Lot (but not in any Common Area), one or more signs on behalf of a candidate for public office or a slate of candidates for public office, or a sign that advertises the support or defeat of any question submitted to the voters in accordance with Article 33 of the Maryland Annotated Code, for a period of time not to exceed thirty (30) days before and seven (7) days after the primary election, general election or vote on the proposition, or such longer or shorter period as may be specified by applicable Federal, State or local law. The Board of Directors may adopt any other restriction with respect to such signage consistent

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VII (p. 18): 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:

Lighting and Wiring; Antenna.

(a) Exterior lighting on Lots shall be directed downward and shielded to minimize the casting of light from such fixture onto neighboring Lots. All wiring on each Lot shall be underground.

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).