

ISSUE #1

- e) Television antennas and radio aerials installed on residential lots shall be limited to a height of ten (10) feet above the topmost roofline of the dwelling thereon.

f) At no time shall there be erected or maintained a structure of a temporary character such as a trailer, basement, tent, shack, garage, barn, or other out-building to be used on any lot at any time as a residence either temporarily or permanently.
- g) Building set-back lines on residential lots are as shown on Plat of "Ulmstead Estates" designated heretofore herein.

h) Easements for installation and maintenance, five (5) feet in width, of utilities are hereby reserved to the grantor, along the rear and side lot lines of all residential lots.

i) [Sections II and IV only] The Grantor herein reserves the right of way 15 feet along the rear of all of the lots described herein.

j) Architectural and construction plans and specifications for any structure to be placed on any residential lot shall be submitted to the grantor, its successors or assigns for approval prior to commencement of construction or other work on said lot. Failure of the grantor to approve or disapprove of said plans by written notification within 30 days shall constitute an approval of said plans.

Ulmstead Estates Section Five (Quail Run Court, White Swan Drive, Mallard Circle, Mallard Court, Blue Heron Court, Canvasback Court, and north side of Lynch Drive between Bayberry and the tennis courts)

- a) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood. No intoxicating liquors or malt beverages shall ever be manufactured or sold on said premises.

b) The Purchaser will not cause or permit on the premises any commercial breeding of any type of domestic or wild animal, but this covenant shall not prevent the occupant of the premises from keeping domestic pets. No chickens or other fowl, horses, cows, goats, swine, sheep or other livestock may be kept on the premises.

c) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, or one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales.

d) Television antennas and radio aerials installed on residential lots shall be limited to a height of ten (10) feet above the topmost roofline of the dwelling thereon.

e) The land shall be used for private residence purposes only, and no building of any kind whatsoever shall be erected or maintained thereon except private dwelling houses, each dwelling being

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 2): 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:

e) Television antennas and radio aerials installed on residential lots shall be limited to a height of ten (10) feet above the topmost roofline of the dwelling thereon. f) At no time shall there be erected or maintained a structure of a temporary character such as a trailer, basement, tent, shack, garage, barn, or other out-building to be used on any lot at any time as a residence either temporarily or permanently.

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).