



MARKUP #1 ->

ANTENNAS & SATELLITE DISHES

Baltimore County has established the following regulations regarding satellite dishes and television broadcast antennas:

429.1 *Satellite receiving dishes are permitted as accessory structures in all zones. When located on the roof of a building, an accessory satellite receiving dish shall be considered an accessory radio or television receiving antenna, and it is not subject to the provisions of this section.*

429.2 *When located in residential zones, accessory satellite receiving dishes shall be located only in the rear yard of a lot unless such location hinders reception, and the owner requests a variance. In addition, the dish shall be no larger than 10 feet in diameter.*

429.3 *In residential zones, the size of a satellite dish and its location on a lot are subject to the provisions of Section 307. [Section 307 refers to the Zoning Commissioner's and Appeals Court's authority to grant special exceptions and variances]*

429.4 *Principal satellite receiving dishes shall be considered wireless transmitting and receiving structures and are subject to the regulations governing such structures.*

ISSUE #1

The following suggestions are also recommended based on aesthetics and common courtesy to surrounding neighbors:

- Dishes should be 24 inches or less in diameter and mounted in the least visible location preferably not visible from the front of the house.
- The dish or antenna mounted on a pole in the yard should not be visible from the front of the house and blend well with their surroundings.
- Any cables and wires should be secured in an inconspicuous manner.
- Always consider landscape screening whenever possible.

AWNINGS

An application **is required** for all awnings. Provide the color to be used and a description of where the awning will be located.

- Should be in proper scale for the house.
- Should be compatible with the style and color of the house.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 429.4 (p. 6): 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:

Principal satellite receiving dishes shall be considered wireless transmitting and receiving structures and are subject to the regulations governing such structures. The following suggestions are also recommended based on aesthetics and common courtesy to surrounding neighbors: * Dishes should be 24 inches or less in diameter and mounted in the least visible location preferably not visible from the front of the house.

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).