

MARKUP #1 ->

Committee. All fences shall be constructed with the finished side out. No fence shall extend toward the front of the Unit beyond the rear corners of the Unit. No fence, wall or hedge shall be erected or maintained on any Lot nearer to the street than the building setback lines for the front and side yards as reflected in the Plat or by governmental authorities. No fence, wall or hedge shall be erected or maintained on any Lot which shall exceed five (5) Feet in height. All fences, walls or hedges must also comply with all zoning laws and building codes of the City of Kansas City, Missouri applicable to any Lot. Fencing or privacy walls may be allowed closer to the main Unit to provide the necessary privacy provided they are approved in advance by the Committee. All fencing shall be maintained to a fence standard equivalent to original construction and all fencing must be consistent with this Declaration and the architectural standards established by the Declarant or the Committee. Prior to purchase and install of all fencing, must be approved by the ACC.

53. Parking. No vehicles, trailers, implements or apparatus may be driven or parked in any Common Area or on any easement, except to the extent otherwise established and permitted a constituent portion of the Recreational Facilities.

54. Building Standards. No Unit, Exterior Structure or other building shall be erected or maintained on any Lot unless it complies with all applicable governmental ordinances, laws, Rules and Regulations. In addition, no Unit, Exterior Structure, building, structure, fence, wall or improvement shall be erected or maintained on any Lot unless same has been approved by the Committee (thereinafter defined) pursuant to the terms and provisions of this Declaration.

55. Detached Buildings. No detached accessory building (including, but not limited to storage buildings), save and except for any detached garages approved by the Committee (thereinafter defined) shall be erected, placed or constructed upon any Lot without the prior consent of the Board.

ISSUE #1

56. Antennae, Satellite Dishes and Solar Collectors. No Owner may erect or maintain on any Unit or Lot a satellite dish or similar apparatus having a diameter in excess of thirty (30) inches. Furthermore, no Owner may erect or maintain a television or radio receiving or transmitting antenna, permitted satellite dish or similar implement or apparatus (as referred to above), or solar collector panels or equipment upon any Lot unless such apparatus is erected and maintained in such a way that it is fully screened from public view from a point in the center of the public right-of-way directly in front of the Lot and, in the case of a corner Lot, also screened from public view from a point in the center of the public right-of-way to the side of the Unit erected on such Lot.

57. Chimneys. All fireplaces flues, smoke stacks, and spark arrestors shall be completely enclosed and concealed from the public view in finished chimneys of materials architecturally compatible with the principle finish material of the exterior walls of the dwelling Unit on the Lot.

58. Clothes Hanging Devices. Exterior clothes hanging devices shall not be permitted.

59. Window Treatment. No aluminum foil, reflective film or similar treatment shall be placed on window or glass doors on any Lot.

{31145 / 71783; 941727.2 }

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 24): 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:

Antennae, Satellite Dishes and Solar Collectors. No Owner may erect or maintain on any Unit or Lot a satellite dish or similar apparatus having a diameter in excess of thirty (30) inches.

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).