

For the purposes of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

Reference is made herein to front and side building set back lines for the purposes of determining the location of any residence with respect to the adjoining street. In the case of the vacation or relocation of any said streets, changes may be made in any of said building set back lines, provided that such building set back lines shall in no case be established nearer to the new location of any of said streets than are the building set back lines shown on this plat with respect to the present location of said street and provided, further, that Silver Lake Enterprises, Inc. shall have the same privilege of changing the location of any such building lines so established as it has in the case of those shown on said plat of Silver Lake.

6. Easements: Easements for installation and maintenance of utilities, sewers and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of such utilities or sewers or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

7. Air Conditioning and Fuel Storage: No air conditioning apparatus or unsightly projection shall be attached or affixed to the front of any residence, nor shall

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7 (p. 4): 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:

Air Conditioning and Fuel Storage: No air conditioning apparatus or unsightly projection shall be attached or affixed to the front of any residence, nor shall any metal tanks for the storage of fuel be erected or maintained above the surface of the ground.

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).

ISSUE #1