b) All exterior lighting is subject to the review and approval process.
c) Exterior light fixtures should direct light down rather than out or up.

13) Flashing
a) All flashing and sheet metal must be colored to match adjacent materials.

ISSUE #1

14) Antennas
a) Television, radio and CB antennas, satellite dishes larger than standard 36", and any other broadcasting devices on the exterior of the house are prohibited without the approval of the DRC.

MARKUP #1 ->

15) Building Projections and Chimneys
a) All vent stacks, pipes and caps must be colored similar to the roof or siding color.
b) All chimneys are subject to the review and approval process.

16) Air Conditioners
a) Roof mounted or window mounted air conditioning units are prohibited.

17) Porch, Deck and Patio Details and Structures
a) All exterior decks, courtyards, trellises, gazebos, patios, and patio are subject to DRC approval. Decks must be compatible with the terrain and must be designed using materials, textures and finishes consistent with the home's architectural style. Built-in barbeques, fire pits and fireplaces must be contained within the rear yard area. Caution must be exercised to avoid the proximity of smoke to neighboring homes.
b) Covered porches and patios are encouraged.
c) Wood posts shall be 8"x 8" minimum, where there are three or fewer in one location, 10" x 10" posts will be encouraged.

18) Garages and Accessory Buildings
a) Many people underestimate their requirements for vehicle parking and storage space in garage layout. Larger garages are encouraged but should not dominate the property.
b) Garages are required for all homes.
c) Garages may be attached or detached. Detached garages shall be integrated with the home through the use of a breezeway, walkway, or landscape design.
d) All garages must be fully enclosed. Carports and lean to's are prohibited.
e) The design of accessory buildings must reflect the selected architectural style and colors of the home and must be sited appropriately within the Lot.
f) Garage doors shall be earth tone and neutral colors, simulated wood grain look is recommended.
    i) **Phase 4 of the Residential Development** will not accommodate a second, detached garage or shop. However, these lots will accommodate an "RV Bay" attached to the two-car garage depending on overall design and aesthetics. An example picture will be provided by the committee upon request.

19) Utility and Service Lines
a) No utility or service lines should be placed on or above ground.

20) Propane Tanks
a) Only buried propane tanks are permitted.

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. DESIGN GUIDELINES (p. 6): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:
14) antennas a) Television, radio and CB antennas, satellite dishes larger than standard 36", and any other broadcasting devices on the exterior of the house are prohibited without the approval of the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).