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guidelines and standards, and the review and approval procedures prepared and issued from time to time by the Architectural Committee pursuant to Article V for the purpose of assisting the Owners and Residents in preparing building, landscaping, site and development plans for all of the real property and Improvements within the Prairie Hills Subdivision.

1.14 "Development Period" shall mean and refer to the period commencing on the date of this Declaration first set forth above and terminating on the earlier of: (a) the date the last Lot in each phase of the Property is conveyed to a third-party purchaser or (b) any earlier date specified by the Declarant in a written notice to the Association that the Development Period is to terminate on that date.

1.15 "Dwelling Unit" shall mean any portion of the Property, as improved, intended for any type of independent ownership for use and occupancy as a residence by one household and shall, unless otherwise specified, include within its meaning (in way of illustration, but not limitation) patio, single family detached, or zero lot line homes, as may be used and defined as herein provided or as provided in subsequent Declarations covering all or part of the Property.

1.16 "Exempt Property" shall mean and refer to all land and Improvements and Common Area owned or controlled by the Association for so long as the Association shall be the owner or operator thereof.

1.17 "Improvement" shall mean and refer to:

(a) Anything or object (other than trees, shrubbery, landscaping, and hedges less than two feet high) the placement of which upon any Lot may affect the appearance of such Lot, including, but not limited to, any building, single-family residence, garage, porch, shed, green-house, outbuilding, covered or uncovered patio, permanent grills and outdoor kitchens, swimming pool, fence, retaining wall, awning, sunscreen, solar heating or cooling device, solar electrical panels, wind mills, exterior air conditioning equipment, antenna larger than 18 inches in diameter, gazebo, dog house or animal structure, play house, clothes-line, ponds, recreational facilities (including portable basketball goals (except for one freestanding basketball backboard and standard as long as it is not attached to any portion of the Dwelling Unit)), curbing, paving of any kind, wall, signboard, wishing well, bird bath, statues, synthetic or artificial flora or fauna, artwork of any type, or manufactured displays that are intended for long term affixing to the Lot, or any other temporary or permanent improvement on such Lot, and no partially completed dwelling or temporary building and no trailer, tent, storage shed, shack or garage/carport on any Lot or in the Common Area shall be used a temporary or permanent residence;

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(b) Any excavation, fill, ditch, swale, retaining wall, dam, or other thing or device which affects or alters the natural flow of surface waters from, upon, or across any Lot, or which affects or alters the flow of any waters in any natural or artificial stream, wash, or drainage channel from, upon, or across any Lot, and any Lot; and

(c) Any change of more than six inches in the grade of any lot.

1.18 "Land Development Activity" shall mean and refer to any building, construction re- construction, or repair of a Dwelling Unit, roadways, curbing, sidewalks, utility services, or any other Improvement on a Lot or any other portion of the Property by the Declarant or by any Designated Builder.

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

Sec. 1.17 (p. 3): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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 (39.37 inches) 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. Under 47 C.F.R. § 1.4000(a)-(b), associations may only restrict installations on shared/general common elements, dishes exceeding 1 meter in diameter, or where necessary for a specific documented safety objective (§ 1.4000(b)(1)) or a National Register of Historic Places site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:
panels, wind mills, exterior air conditioning equipment, antenna larger than 18 inches in diameter, gazebo, dog house or animal structure, play house, clothes-line, ponds, recreational facilities (including portable basketball goals (except for one freestanding basketball backboard and

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).