

Section 3. - Sample Provision Excerpt (Public Preview)

Satellite dish antenna. television antenna tower; solar collectors: Satellite dish antennas shall not be permitted in any district, nor shall it be permissible to construct television antenna towers or solar energy collectors when such appliances are visible from the street, other buildings, or other properties.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3. (p. 17): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and N.Y. Real Prop. Law § 339-II (Right to Charge EV Act).

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

Statutory Comparison: Under the Federal Communications Commission OTARD Rule (47 C.F.R. § 1.4000), private covenants may not prohibit, require prior architectural approval for, or limit satellite dishes to 18/24 inches (federal protection covers dishes up to 1 meter / 39.37 inches in diameter), nor may they ban street-visible placement if an alternative location would preclude acceptable signal quality.

CURRENT WORDING IN DOCUMENT:

Satellite dish antenna. television antenna tower; solar collectors: Satellite dish antennas shall not be permitted in any district, nor shall it be permissible to construct television antenna towers or solar energy collectors when such appliances are visible from the street, other buildings, or other properties.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Carve out satellite dishes up to one meter (39.37 inches) and TV/wireless antennas protected by 47 C.F.R. § 1.4000 from prior-approval and street-visibility bans, and align solar collector placement guidelines with N.Y. Real Prop. Law § 339-II (Right to Charge EV Act).