

FLAGPOLES, MISCELLANEOUS STRUCTURES

No freestanding flagpoles, billboards, advertising signs or structures are permitted.

FENCES, WALLS

In general, fencing of yards is discouraged. Fences and walls will be considered for approval by the ARC if the wall/fence material is compatible with the home. All fence plans, designs, colors, materials, and locations must be approved prior to construction. Fence enclosures around pools should be in conformance with local or state regulations. Chicken wire for the determent of geese is not approved. Any use of chain link fences is strongly discouraged. The use of electronic systems is recommended for pet enclosures.

ISSUE #1

ANTENNAS

Exterior antennas are not allowed. If an antenna is required for a particular electrical function, it shall be mounted inside the house, attic, or garage. One maximum 24-inch diameter satellite dish is allowed, but it must be located out of view from the street.
~~Location of 24-inch diameter dishes must be approved by the ARC.~~

REQUIRED ENCLOSURES

All compressors for central air-conditioning units should be completely screened by landscaping and/or architectural treatments so that they are not visible from the street or any adjacent properties and must be sited so as not to cause a nuisance to neighbors. If landscape screening is used, all heating and air-conditioning units shall be screened and enclosed with evergreen shrubs with a mature height at 4 to 6 feet. These plants must be installed at a minimum height of 3 feet and spaced at least 3 feet clearance from these units. These units must not be seen from either the street or any at grade-adjacent properties. Thru-wall or window air-conditioning units are not permitted.

All garbage and trash containers shall be kept within a garage or in a screened or landscape area. They should not be visible from the street or from other houses.

SWIMMING POOLS, HOT TUBS, SPAS

No above-ground swimming pools are permitted.

All swimming pools and hot tubs must be submitted to the ARC for review and action prior to construction. All plans for pool, hot tub, spa, deck and fencing design and layout, material and equipment must be approved by the ARC.

Hot tubs and spas and their related pumps, filters and equipment must be screened from street and adjacent property view and located where they will not cause a nuisance to neighbors.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ANTENNAS (p. 13): 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:

ANTENNAS Exterior antennas are not allowed. If an antenna is required for a particular electrical function, it shall be mounted inside the house, attic, or garage. One maximum 24-inch diameter satellite dish is allowed, but it must be located out of view from the street.

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).