

RULE GUIDELINES

The following specific site criteria shall apply to the community unless the Board grants a variance. These guidelines may be modified from time to time and are not inclusive of all architectural standards which may be adopted by Siena Townhomes POA, Inc. Applicants are responsible for obtaining all necessary building permits.

*Air Conditioning Equipment*

Unless other-wise permitted by the Board, no window-air-conditioning unit (sides or front) shall be installed which faces the street.

ISSUE #1

*Antennae and Satellite Dishes*

No radio or television transmission or reception towers, antennas or satellite reception dishes or discs shall be erected on a lot unless approved as provided in the Declaration of Covenants. A satellite dish or disc may be located on a Lot, ~~provided that (i) the disc or dish is not more than 30” in diameter and height; (ii) the dish is~~ screened from public view and located behind the Living Unit either in the rear yard or affixed to the rear roof; and (iii) the disc or dish is located or screened in such a way that it cannot be seen from any street within the Subdivision.

*Awnings*

The installation of awnings on the front of the residence or side(s) of the dwelling that faces the street is prohibited. Awnings on the rear of the residence are subject to ARC approval and restrictions.

*Boats, Campers, Motor Homes, Trailers, and Unlicensed, Unregistered or Inoperable Vehicles*

No owner or his family, lessee or sub lessee or guest of an Owner shall: (i) park any boat, trailer, unlicensed, unregistered or inoperable vehicle on a street within or adjoining the community; (ii) park or keep on any lot or street within or adjoining the Subdivision any abandoned, partly dismantled or inoperative vehicle; or (iii) park or keep on any lot or any street within or adjoining the Subdivision any boat or boat trailer, jet ski, motor home, camper, bus, truck in excess of one ton weight, commercial vehicle, truck or van, or anything else other than those normally intended to be a private passenger vehicle within the Subdivision. Boats and other watercraft, towing trailers, and related leisure vehicles or attachments shall not be permitted on any Lot.

The Board shall have the right and authority to have towed any vehicle parked or maintained in violation of these or subsequently adopted parking rules and regulations.

*Clotheslines and outside clothes drying*

No clothesline or clothes poles shall be erected, and no outside clothes drying is permitted.

*Fences*

Fencing is prohibited due to the high density and drainage issues within the community.

*Flags and Yard Art*

American/US Flags only are permitted when anchored on a pole attached to the front porch column. Flags must not exceed 3ft by 5ft on a 5ft pole. Small garden flags are permitted provided they are not of a political or offensive nature. Yard art may be placed providing it is small and not offensive.

*Exterior Lighting*

Except for seasonal holiday decorative lighting and small walkway lighting, all significant exterior lighting changes must be approved by the Board. The Board may take into consideration the visibility and style of the fixture and its location. Exterior lights shall be conservative in design and as small in size as practical. Lights shall be directed toward the house or ground and limited in wattage to 2,000 lumens. Low voltage (12 volt) lighting is preferred. Holiday lights should be removed no later than one (1) month after the holiday. Holiday displays, which, in the opinion of the Board, create traffic congestion or become an annoyance to adjacent property owners, shall not be allowed.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. RULE GUIDELINES (p. 8): 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:**

Antennae and Satellite Dishes No radio or television transmission or reception towers, antennas or satellite reception dishes or discs shall be erected on a lot unless approved as provided in the Declaration of Covenants.

**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).**