

Review Board using the following criteria: a .) color; b .) roof configuration; c .) window and door placement; d .) reverse plans; e .) house silhouette; and f .) exterior siding material.

Section 24. Height. No building more than 3 stories or 35 feet in height shall be erected, placed, or suffered to remain on any Lot .

Section 25 . Recreational Vehicles. No recreational vehicles, boats, busses, unlicensed cars, snowmobiles, trailers of any kind, trucks or any other vehicle not fitting in a standard size attached garage (as described in Section 11 of this article) may be parked on any portion of a Lot longer than 48 hours. Commercial vehicles are permitted during the period of time that they are necessary to perform specific duties and under no circumstances can be kept overnight by any owner.

ISSUE #1

Section 26. Satellite Dishes. No satellite dishes, unless of the mini variety that are not visible from the exterior, radio towers, television antennas, or earth stations will be permitted on any house or Lot.

Section 27. Underground Utilities. All electrical, television, or telephone cables and facilities which are to extend from the street abutting a Lot to any house, buildings, or other structure located on the Lot shall be placed underground (all of the project's utilities will be underground).

Section 28. Nuisance or Advertising Signs. No nuisance or advertising signs or bill boards may be permitted, erected or maintained on any Lot, with the exception of real estate "for sale" signs. Signs offering the sale of Lots or homes in the Subdivision shall not exceed eight (8) square feet in area.

Section 29. Accessory Buildings. No accessory buildings or structures shall be erected on any Lot unless approved by the Architectural Review Board and no such building or structure will be approved if it obstructs the view or use of adjoining Lots.

Section 10. Mail Boxes or Posts. All mail boxes shall be of uniform design which shall be as designated by the Architectural Review Board. All newspaper holders shall be incorporated in the mail box design and shall not be free standing.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 26. (p. 20): 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:

Satellite Dishes. No satellite dishes, unless of the mini variety that are not visible from the exterior, radio towers, television antennas, or earth stations will be permitted on any house or Lot.

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).