



ISSUE #1

G. No structure, planting or other material other than driveway or sidewalks shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may change, obstruct or retard direction or flow of any drainage channels.

H. No outside television or radio serial or antenna, or other aerial or antenna, including satellite receiving dishes, for reception or transmission, shall be maintained on any Lot.

I. No vegetable garden shall be larger than 12 x 15 and must be maintained so as not to be unsightly. No homeowner shall be allowed to store more than two cords of firewood on any Lot: Said wood must be neatly stacked and free of unsightly debris.

J. No oil drilling, quarrying, or mining operation shall be permitted on any Lot.

K. No above-ground swimming pool shall be permitted on any Lot. In-ground pools shall be permitted provided they have first been approved by the Design Review Committee and the Board of Trustees.

L. No tennis court shall be permitted on any Lot.

M. Swingsets, jungle-gyms, playhouses and similar yard equipment may not be placed, installed or maintained on any Lot without prior approval of the Board of Trustees.

N. Mailboxes shall be black galvanized steel rural mailboxes, medium model 1-14, mounted on a 4x4 rough sawn post, or such other uniform design approved by the Board of Trustees.

O. No fence may be installed on any Lot unless approved by the Board of Trustees.

P. There shall be no violation of any rules for the use of the Common Areas which may from time to time be adopted by the Board of Trustees, and promulgated among the membership by then in writing, and the Board of Trustees is hereby and elsewhere in this Declaration authorized to adopt such rules.

Q. A person who is classified as a sex offender/child-victim offender and for whom the County sheriff or other government entity must provide community notice of the sex offender's residential address, is prohibited from residing in or occupying a Lot, including the Living Unit on the Lot, and from remaining in or on the Tyler's Crossing Property for any length of time. The classification of a sex offender/child-victim offender and the determination of whether notice is required is made by a court of law in accordance with the Ohio Sex Offenders Act, or similar statute from another jurisdiction as either may be amended or renamed from time to time. The Association is not liable to any Owner, occupant, or visitor of any Owner, or of the Association, as a result of the Association's alleged failure, whether negligent, intentional, or otherwise, to enforce any provision of this Occupancy Restriction.

R. To preserve property values and to protect and preserve the well-being of Owners and occupants, Lots and Living Units can only be leased, let, or rented, whether for monetary compensation or not, by an Owner to others for business, speculative investment, or any other purpose, subject to and compliance with the following provisions:

- (a) Lease terms must be for at least 90 consecutive calendar days; short term rentals that are less than a period of 90 consecutive days are prohibited;

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9.3(F) (p. 15): 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:

14 G. No structure, planting or other material other than driveway or sidewalks shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may change, obstruct or retard direction or flow of any drainage channels. H. No outside television or radio serial or antenna, or other aerial or antenna, including satellite receiving dishes, for reception or transmission, shall be maintained on any 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).