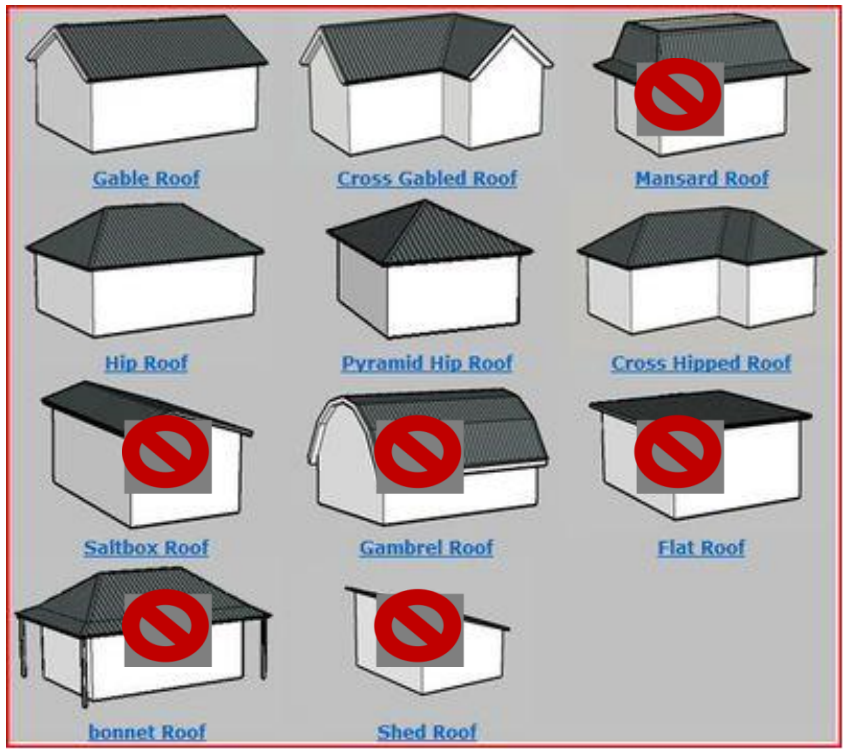
should be proportioned appropriately for the particular home design and roof style. Stepped fascias are preferred. All flashing shall be painted to match the roof color.

Below are examples of acceptable and unacceptable roof styles. Variations and combinations of acceptable styles may be approved providing they meet other restrictions (e.g. height and slope requirements).



Concrete shake and slate tile roofs are recommended. Roofing materials should be high-profile with 50 year guarantee.

Standing seam metal and other fireproof material roofs may be approved at the discretion of the ARC on a case-by-case basis. Roof materials shall be of earth tone colors. Colors shall not be bright or outstanding.

ISSUE #1

2.25 SATELLITE DISHES AND ANTENNAS

Exterior satellite receivers or transmitters or other receiving devices can only be placed on a home with the prior approval of the ARC. Eighteen-inch dishes are permitted and must be painted to blend with the home and placed in as inconspicuous a place as possible. Location and color must be approved by the ARC. Under no circumstances are exterior antennas permitted.

2.26 SETBACKS

Setbacks are 20 feet for front yards, 10 feet for rear yards and 10 feet minimum setback for each side yard. The setbacks on corner lots are 20 feet from all property lines that adjoin a community street. All setbacks run with the land and are shown on the plat drawing provided to the owner when the lot is purchased. No improvements of any kind shall encroach on established setbacks without ARC approval, for good cause shown.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 2.25 (p. 16): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

SATELLITE DISHES AND ANTENNAS Exterior satellite receivers or transmitters or other receiving devices can only be placed on a home with the prior approval of the ARC. Eighteen-inch dishes are permitted and must be painted to blend with the home and placed in as inconspicuous a place as possible. Location and color must be approved by the ARC. Under no circumstances are exterior antennas permitted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).