

MISCELLANEOUS SITE ELEMENTS AND SITE STRUCTURES

SITE ELEMENT MATERIALS AND COLORS Site materials and colors should be selected that will complement the residence, site, and neighborhood. The finish materials and colors used on site elements such as service courts, fences, and retaining walls, shall coordinate with or match the main structure.

AIR-CONDITIONING COMPRESSOR(S) For conventional homes, all compressors must be located within an attached service yard or other structurally screened environment. For patio homes, compressors must be installed within the house setbacks, on the rear or non-privacy side of the home, and structurally screened with a solid or shadow box type fence attached to the house that is painted to match the siding or trim of the home. **AIR CONDITIONERS** Window mounted and through-the-wall air conditioners are not permitted.

ISSUE #1

ANTENNAS, TELEVISION AND SATELLITE DISH Antennas and direct broadcast satellite dishes must be placed and/or screened so as to minimize their appearance from the street. The property owner must contact the Security Manager for procedures to follow prior to installing a satellite dish (or antenna). The approval process will not cause any unnecessary delay, unreasonable increase in installation cost or unacceptable signal reception.

If you already have a satellite dish and would like to add an antenna on the exterior of your home to access HD or additional channels, **before you contact a vendor or purchase it,** please make written application to the ARB stating the proposed location of the antenna, its purpose, and attach a catalog cut.

AUDIBLE ALARMS Alarms are permitted on the interior of a home only, however, they typically can be heard from outside the home.

AWNINGS Retractable awnings must be approved by the ARB. Muted colors and awning designs that complement the exterior home design are required.

BASKETBALL HOOPS/POLES/BACKBOARDS Fixed systems are not allowed. The use of a portable system is permitted, but must be immediately stored out of sight when not in use.

DECKS The size and style of the deck must be compatible with the design of the residence. Any raised deck floor surface that is located 30 inches or more above the finished grade must be located within setbacks, and the floor surface elevation marked on the site plan. Material chosen for decks may be pressure-treated southern yellow pine (SYP) or other recognized exterior wood such as redwood, red or white cedar, or cypress, and treated for ground contact where applicable. The use of composite decking material will be considered on a case-by-case basis.

DOCKS (See page 50)

DRIVEWAY The *Covenants* grant an easement over and across the varying widths of common property between the edge of the road pavement and the property owner's front property line for each lot for a driveway. Typical surfaces are asphalt, concrete, brick, concrete pavers, colored and stamped concrete, concrete with a shell finish, or rock, as approved by the ARB. A combination of materials may also be used such as concrete with a shell finish and brick borders and dividers. It is the owner's responsibility to continue the chosen surface treatment of the drive over the area between the road and their front property line.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. MISCELLANEOUS SITE ELEMENTS AND SITE STRUCTURES (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:

A NTENNAS , T ELEVISION AND S ATELLITE D ISH Antennas and direct broadcast satellite dishes must be placed and/or screened so as to minimize their appearance from the street. The property owner must contact the Security Manager for procedures to follow prior to installing a satellite dish (or antenna).

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).