

ISSUE #1

MARKUP #1 ->

Section 7.9. Fences and Walls. No wall, fence, or hedge shall be erected or permitted to remain across or along the front of any lot nearer to the front lot line than the building set back line. No wall, fence, or hedge shall be constructed or erected without prior written approval from the Architectural Committee.

Section 7.10. Signs. No signs shall be permitted on any Lots except that a single sign offering the Lot for sale may be placed on such Lot and security signs.

Section 7.11. Wildlife Sanctuary. The Property is hereby declared to be a wildlife sanctuary and any hunting of birds or other wildlife is hereby prohibited.

Section 7.12. Antennas; Satellite Dishes and Discs. No radio or television transmission or reception towers, antenna, satellite dishes or discs shall be erected or maintained on any Lot, except that one (1) dish or disc not exceeding one (1) meter in diameter or diagonal measurement for receiving direct broadcast satellite service ("DBS") or multi-point distribution services ("MDS") may be erected and maintained on each Lot. Any dish, disc, or. antenna (with associated mast) shall be reasonably camouflaged and screened from view from the road and shall not be located in the area between the street right- of-way line and the minimum building setback lines applicable to the Lot.

Section 7.13. Parking. All Lots must include a garage or carport. The carport must be attached to the residence and enclosed on three (3) sides. Additionally, each Lot Owner shall provide a concrete or asphalt driveway that provides space for parking at least two (2) automobiles. All Vehicles must be parked within the garage, carport or driveway.

Any trailer, utility trailer, camping trailer, motor home, boat, recreational Vehicle and/or other similar equipment shall at all times be parked to the rear of the dwelling or completely within an enclosed garage and shall not be parked in the front or side thereof and current license plates must be affixed to such equipment. All such equipment shall always be stored and positioned as be inconspicuous. No trailer, mobile home, recreational Vehicle, camper, or boat shall be used as a residence, either temporarily or permanently.

No commercial Vehicle with more than two (2) axles or any Vehicle under repair, wrecked or junked Vehicle shall be parked or permitted to remain on any Lot, Common Aear or other portion of the Property. All Vehicles must have current and valid license plates.

Provisions must be made by the Lot Owners for off street parking of Vehicles belonging to the residents and guests of residents of such Lot. Repeated and/or extended parking (in excess of 24 hours) of any Vehicle (to include both Owner's Vehicle and Guest Vehicles) on any street right-of-way or Common Area is prohibited. Notwithstanding the foregoing, Owners may in apply for an Overnight/Extended Parking Permit for extended parking for guests and visitors. In no such event shall Extended Parking Permit be granted for more than two (2) weeks. Any Vehicle of Owner or guest/visitor of Owner which is parked in any street-right-away or Common Area, for a period to exceed 24 hours is subject to be fined pursuant to Article IX.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.12. (p. 11): 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:

Antennas; Satellite Dishes and Discs. No radio or television transmission or reception towers, antenna, satellite dishes or discs shall be erected or maintained on any Lot, except that one (1) dish or disc not exceeding one (1) meter in diameter or diagonal measurement for receiving direct broadcast satellite service ("DBS") or multi-point distribution services ("MDS") may be erected and maintained on each 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).