

G. Site Elements – Various

1. Barbecues: Encouraged when in keeping with the overall design of the residence and landscape plan.

2. Exterior Showers/Hot Tubs: Permissible when in keeping with the overall design of the residence and landscape plan. They must, however, be enclosed to prevent open view from the street, golf course or neighboring properties.

3. Miscellaneous: No antennas, amateur radio towers, or the like shall be permitted (Article X, Section 12). ~~Satellite dishes eighteen (18”) inches or less in diameter may be permitted,~~ however, if approved by the ARB prior to installation. Installation must meet the following criteria to receive ARB approval:
 - Application for ARB approval must include size, type and intended location.
 - Since satellite dishes are direction sensitive, the property owner must contact installers and determine best installation location prior to submitting application for approval of installation. Ground level installations require concealment by shrubbery.
 - No installation will be approved in setback areas.
 - All outside wiring must be concealed and ground installations require wiring to be buried.
 - Any tree removal required must be submitted at the time of application and approved in advance.

4. Outbuildings: None allowed for storage.

5. Building height shall not exceed 35 feet as measured from roof peak to garage floor.
- H. Septic Tanks
- Each lot must be connected to a public water/sewer system. No septic tanks are permitted within River Hills (Article X, Section 17).
- I. Green Area" Requirements
- All residential sites shall insure that a minimum of thirty (30%) per cent of the total site area be pervious, open, landscaped space.
- J. Mailboxes
- A standard black mailbox with similar post design shall be used throughout River Hills unless otherwise approved, in writing, by the ARB. A copy of the design and placement requirements is available from the ARB (Article X, Section 10). *See Section VI herein.*
- K. Playground and Other Yard Equipment
- Swing sets, "gym" and other playground equipment shall be constructed of wood or composite material and be of an earth tone color. Basketball goals and trampolines are permitted with prior approval of location and placement being granted by the ARB. No dog houses shall be permitted.
- MARKUP #1 · CONFLICTS WITH FED LAW
- BOARD & COUNSEL REVIEW
- Sec. 3 (p. 9): 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:**
- Miscellaneous: No antennas, amateur radio towers, or the like shall be permitted (Article X,
- 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).**
- TrueHOA · Not legal advice; consult your HOA attorney · Doc p. 9/20 (PDF p. 10)