

Architectural Committee and, provided further, said site faces as required by these restrictions and the recorded plat.

4. Twenty-four hundred (2400) square feet shall be the minimum floor space required on all numbered lots in Sheets 1 and 2, Section 1-A, and two thousand (2000) square feet shall be the minimum floor space required on all numbered lots in Sheet 1, Section 1-B of River Walk. In calculating the minimum floor space, the Architectural Committee may, within its sole discretion, give credit for one-half (1/2) of the total space in an enclosed garage, storage room, and porches under roof.
5. No garage or other outbuilding more than two stories in height shall be erected upon any numbered lot. The entrance to a garage shall not face the street or be cater-cornered thereon, unless it has doors. The entrance to all carports shall face the rear or the side of the lot, except on corner lots in which case the entrance must be from the rear.

6. No above-ground swimming pools or satellite dishes may be constructed on any lot.

III. APPROVAL OF PLANS, ALTERATIONS, OR MODIFICATIONS

1. The Architectural Committee shall be composed of John C. Cothran, Mark A. Cothran and Wathal Bush. In the event of the failure or inability, for any reason, of a member to act, the vacancy created shall be filled temporarily or permanently, as necessary, by the remaining member(s) of the Committee. Two members shall constitute a quorum and majority vote shall be required for the transaction of any business of the Committee.
2. No improvements, buildings, structures, whether temporary or permanent, including, but not limited to, walls, fences, outbuildings, ground mounted antennas higher than the dwelling itself, modifications to the existing structures, such as enclosing a garage or adding a porch, shall be erected, placed, or altered on any lot or lots until and unless building plans to include at least a floor plan and front elevation, specifications (to include brick, or siding, color, roof color and other exterior finishes), specifications, along with a plot plan showing the location of proposed alterations or improvements have been approved in writing as to conformity and harmony of external design and consistence with plans of existing residences or other buildings and as to the location of the structure with respect to topography and finished ground elevation, by the Architectural Committee.
3. In order to prevent duplication of buildings or improvements to be constructed in this section or adjacent section, the Committee is vested with full authority to approve or disapprove plans for the construction of any building or improvements with its major features so similar to an existing building or improvement as to be construed as a practical duplication thereof in the discretion of the Committee.
4. In the event said Committee fails to approve or disapprove the design of a residence or major addition to the residence within thirty (30) days after said plans have been submitted to it, or in any event, if no suit to enjoin the erection or alteration of such building or improvement has been commenced before such erection or alteration is substantially completed, such prior approval will not be required and this covenant will be deemed to have been fully complied with and no suit or claim will be available to said Committee, nor to any lot owner or other persons. With respect to other additions, such as walls, fences, outbuildings, etc., any owner erecting or installing any such improvement or modification without proper approval of the Architectural Committee will be subjected to all legal remedies available under these restrictions, except that if no action has been instituted within twelve (12) months following the completion of such alterations

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 2): 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:

No above-ground swimming pools or satellite dishes may be constructed on any lot. III. APPROVAL OF PLANS, ALTERATIONS, OR MODIFICATIONS

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).