

7. Animals, Birds and Pets No poultry, livestock or animals, other than house pets, shall be kept or maintained on any lot. Dogs or cats may be kept upon a lot as pets only. They shall not be kept, bred or maintained for sale or any commercial use or purpose. Pets shall be sheltered inside residential or garage structures and no doghouse or other separate animal shelter shall be constructed outside, unless approved by the Architectural Review Committee.

MARKUP #1 ->

8. Commercial Activity No business, trade, profession or commercial activity or calling of any kind shall be conducted in any building or on any lot or lots, provided that this restriction shall not be construed so as to interfere with the right of members of recognized professions to receive the usual and ordinary calls at their homes though they shall not maintain offices for the sale of goods, regular consultation or treatment in their home.

9. Signs No solicitation, signs, advertisements, billboards, or advertising structures of any kind shall be erected or maintained on any lot or building site, except with the prior approval in writing of the Developers; provided, however, that there shall be allowed one advertising sign, which sign shall not be more than eight square feet of area, so long as such is used for the sole and exclusive purpose of advertising for sale the lot or building upon which it is erected.

ISSUE #1

10. Prohibitions Satellite dishes are prohibited unless expressly authorized by the Architectural Review Committee along with a landscaping plan for the placement of such. Clotheslines are expressly prohibited. No fence shall be constructed of any material except wood and such shall not extend beyond the front corners of any residence. All metal storage buildings are prohibited. Outbuildings of any description are prohibited; however, the Architectural Review Committee has the authority, in its sole discretion, to make exceptions to this prohibition. Application for such exemption must be made in accordance with this Article.

11. Driveways, Walkways and Mailboxes Driveways and walkways to be made of exposed aggregate concrete. Mailboxes to be constructed of brick or a mailbox which is style "F" from Herndon & Merry Co., Nashville, Tennessee or such other company carrying the same mailbox, painted "Black" in color and lettered in the "White Roman" style, including the address and street name only.

12. Lots Altered. Lots may not be subdivided, re-subdivided, altered or changed so as to produce less area than established on the Plat of the subdivision without County Planning Commission approval.

ARTICLE VI

Covenant for Maintenance Assessments

Section One. Monthly or Annual Assessment for Maintenance Fund Owners covenant by acceptance of a deed to agree to pay to the Association monthly or annual assessments or charges of the creation and continuation of a maintenance fund in the amount levied by the Association's Board of Directors.

Section Two. Purpose of Assessments.

Section Three. Creation of the Lien and Personal Obligation of Assessment.

Section Four. Exempt Property.

Section Five. Assessments Prior to Activation of the Association.

Section Six. Special Assessments In addition to the monthly or annual assessments, the Association may levy, in any assessment year, a special assessment applicable to that year only, provided that any such assessment shall have affirmative votes of not less than a two-thirds (2/3) majority of a meeting of the Members, held after not less than five (5) days notice in writing.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10 (p. 3): 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:

Prohibitions Satellite dishes are prohibited unless expressly authorized by the Architectural Review Committee along with a landscaping plan for the placement of such. Clotheslines are expressly prohibited.

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).