



property until the proposed box or light pole is approved in writing by the Developer or Architectural Committee, as applicable, as to design, color and location, which may be a uniform brick mailbox, paper box structure or of a design in keeping with the exterior design of the dwelling, and may include a uniform light pole. The Developer reserves the right to establish in The Reserve at Leonard Farms or for a particular Tract, regulations for a uniform mailbox, newspaper box, and/or light pole, which may define standard design criteria for all mailboxes, newspaper boxes, and light poles, and which may include a uniform house number. Exterior light poles, other than as installed by the Developer, shall require the approval in writing by the Developer or Architectural Committee, as applicable, as to design, color and location. The Developer reserves the right exclude any exterior light poles, other than those that are Developer installed, in its sole discretion. No "dusk to dawn" exterior lighting shall be allowed. Approval for all items enumerated in this section shall be in accordance with the procedure for approval of plans for construction provided in Article V.

ISSUE #1

- R. No television antenna, radio receiver, satellite receiver, radio transmitter or similar device shall be attached to or installed on any residential Lot, or Tract, or the exterior portion of any building except for cable television devices, which shall be as inconspicuous as possible. Mini (three foot size or smaller) satellite dishes shall be allowed if concealed or screened from view. Any Screened area and the location of the mini dish shall be approved in the same manner as the plans for construction provided in Article V. Any fencing shall be approved in the same manner as the plans for construction, with plans submitted to include type of fencing, finish, location, and height. Fencing or walls constructed of wood, brick, or stone shall be considered for approval of the plan of design. No chain link or woven wire fencing shall be allowed. No fencing or wall shall extend further toward the front of the Lot than the rear wall of the dwelling. The exterior surface of the fence shall be finished. The Developer reserves to itself the right to limit fencing to that surrounding pools, in the sole discretion of the Developer. All plans for fencing shall be approved in accordance with the procedure set forth in Article V., which shall specify all pertinent information, including but not limited to design, finish and location.
- S. No recreational facility, including but not limited to a tennis court, volley ball court, basketball goal, swimming pool, child's playhouse, playground equipment, or gazebo, or lighting for the same, shall be constructed on a Lot without approval of the plans. No increase in drainage onto other properties in the development shall be permitted from the construction of such a facility. Plans shall be approved in the same manner as the plans for construction provided in Article V. and shall specify size, location, screening or fencing, and landscaping. Children's toys shall be concealed from view when not in use.
- T. No above ground swimming pools shall be permitted. All swimming pools shall be in-ground pools, concealed or screened from view. No pool shall extend further toward the front of the Lot than the rear wall of the dwelling. Any pool design, including lighting, fencing, and landscaping, shall be approved in the same manner as the plans for construction provided in Article V.
- U. All driveways shall be concrete, pea gravel in cement, or brick pavers. No asphalt driveways shall be allowed. All driveways shall be paved in one of these forms within sixty (60) days after certificate of occupancy is issued for the dwelling or it is occupied, whichever occurs first, weather conditions permitted. Plans for driveways, including location, size and material shall be approved in the same manner as the plans for construction provided in Article V.
- V. All landscaping on a dwelling built by an Owner shall be completed within sixty (60) days after certificate of occupancy is issued, weather conditions permitted. All landscaping on a dwelling bought from a contractor shall be completed within sixty (60) days after the date of purchase, if not previously completed, weather conditions permitted. Irrigation systems shall be designed so that no overspray shall occur onto other property, common areas or streets.
- W. All single family dwellings shall have a grade floor level not less than eighteen (18) inches above the highest finish grade at the building footprint.
- X. No mechanical equipment, pool equipment or other equipment shall be allowed within the set back.
- Y. Safety precautions, barricades and warning lights shall be provided during construction work on any street. No parking shall be allowed on any common area or street during construction. Deliveries requiring temporary stopping on streets shall be off-loaded immediately and not left unattended for any length of time. The Developer shall have the right to designate "no parking" areas on the streets in the development and in the common areas during the Developer Control Period.
- AA.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. V (p. 5): 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:

R. No television antenna, radio receiver, satellite receiver, radio transmitter or similar device shall be attached to or installed on any residential Lot, or Tract, or the exterior portion of any building except for cable television devices, which shall be as inconspicuous as possible. Mini (three foot size or smaller) satellite dishes shall be allowed if concealed or screened from view. Any Screened area and the location of the mini dish shall be approved in the same manner as the plans for construction

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).