

Section 3.11 - Sample Provision Excerpt (Public Preview)

Storage Tanks, Antennas, Satellite Dishes, Wind Generators, Flagpoles, Solar Devices. One propane storage tank can be installed above ground per Lot only if: 1) the propane tank storage capacity is smaller than 125 gallons, 2) the height of the storage tank is shorter than fifty five

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 3.11 (p. 17): Clause prohibits or over-restricts solar energy devices in conflict with Tex. Prop. Code § 202.010.**

**Statutory / Legal Reference: Tex. Prop. Code § 202.010**

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...

**CURRENT WORDING IN DOCUMENT:**

Storage Tanks, Antennas, Satellite Dishes, Wind Generators, Flagpoles, Solar Devices. One propane storage tank can be installed above ground per Lot only if: 1) the propane tank storage capacity is smaller than 125 gallons, 2) the height of the storage tank is shorter than fifty five

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**Storage Tanks, Antennas, Satellite Dishes, Wind Generators, Flagpoles, Solar Devices. One propane storage tank can be installed above ground per Lot only if: 1) the propane tank storage capacity is smaller than 125 gallons, 2) the height of the storage tank is shorter than fifty five [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any...**