

ISSUE #1

MARKUP #1 ->

(c) In Block Two (2) and on Lots Fifteen (15) through Nineteen (19), inclusive, in Block Three (3), no residence shall contain less than one thousand seven hundred (1,700) square feet, excluding garages, open porches and screened porches, and the first story of any residence shall contain not less than one thousand five hundred (1,500) square feet of living space, excluding garages, open porches or screened porches.

(17) Easements affecting all lots in this tract are reserved as shown on the recorded plat for utility installation and maintenance, and in addition to the easements designated on said plat there is hereby designated and dedicated for the use of all public utility companies an unobstructed aerial easement Five feet (5') wide from a plane twenty feet (20') above the ground upward, located adjacent to said easements as designated on said plat.

(18) No building shall be erected, placed or altered on any lot in this Subdivision until the building plans, specifications and plot plan (showing the location of the building on the lot) have been approved in writing by a deed restrictions committee composed of at least three (3) members as to (i) conformity with these restrictions and (ii) conformity and harmony of external design with the existing structures in the Subdivision, including the location of the building with respect to topography and finished ground elevation and the location of driveways, sidewalks, garages, and the facing of the residence and garage, said committee approval to be evidenced in writing by the signatures of at least a majority of the members of said committee. No plans, specifications or plot plan may be approved by the deed restrictions committee if they provide for less than fifty percent (50%) of the exterior facade of each residence to be masonry (brick veneer, stone or stucco), except as otherwise provided in Paragraph 21, below, or provide for asbestos shingles or plywood siding. The building plans, specifications and plot plan shall be approved by the deed restrictions committee prior to the owner's submission of an application to the City of Houston for a building permit covering such improvements. If the deed restrictions committee does not approve or disapprove in writing the plans, specifications and plot plan submitted by the owner for review within forty-five (45) days after such submission, then the deed restrictions committee shall be deemed to have approved such plans, specifications and plot plan.

Following approval of the plans, specifications and plot plan by the deed restrictions committee, the owner shall complete the proposed improvements in conformity with the approved plans, specifications and plot plan in a timely manner; otherwise, the failure to complete the proposed improvement in conformity with the approved plans, specifications and plot plan within (12) months of the approval by the deed restriction committee shall operate automatically to revoke the approval by the deed restrictions committee of the proposed improvements.

Since the powers and duties of the deed restrictions committee appointed by the developer of the Subdivision expired on January 1, 1955, subsequent deed restrictions committee members have

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 8): 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:

hereby designated and dedicated for the use of all public utility companies an unobstructed aerial easement Five feet (5') wide from a plane twenty feet (20') above the ground upward, located adjacent to said easements as designated on said plat.
(18) No building shall be erected, placed or altered on any lot in this Subdivision until the building plans, specifications and plot plan (showing the location of the building on the lot) have

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).