

Section 20.

BOATS, MOBILE HOMES, MOTOR HOME RECREATIONAL VEHICLES, TRAILERS, ETC.:

No boats, mobile homes, motor home, recreation vehicles, trailers, or any other similar vehicle or device shall be placed on any lot for any period for more than a total of 48 hours during a calendar month in such a manner that it is visible from the street.

Section 21.

SIDEWALKS:

Concrete sidewalks four feet (4') wide shall be constructed continuously along all front and side streets adjacent to all lots. The sidewalk shall be installed as a part of the improvements placed upon the lots, and shall be located between the lot lines and the curb lines. The exact locations, grades and specifications of the sidewalks shall be as required by the city of Houston.

Section 22.

FENCES AND WALLS:

Fences and walls shall not be more than eight feet (8') in height, Fences and walls may extend to the interior lot line, but shall not be forward of the front minimum Building setback line, nor extend forward of the foremost portion of the Building. Walls are to be constructed of masonry material and fences are to be constructed of an approved wood material or decorative metal. Chain link fences are not permitted.

Section 23.

ISSUE #1

MISCELLANEOUS STRUCTURES DEVICES AND APPARATUS:

No antenna towers, dish-type antennas or similar devices shall be placed, erected or located in the Subdivision that will be visible from a street; nor shall any Structure, device or apparatus be-erected or Installed without the prior approval of the Architectural Control Committee.

Section 24.

EXTERIOR LIGHTS:

Exterior lighting shall be shielded so as not to be offensive to neighboring property owners.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 23. (p. 10): 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:

MISCELLANEOUS STRUCTURES DEVICES AND APPARATUS: No antenna towers, dish-type antennas or similar devices shall be placed, erected or located in the Subdivision that will be visible from a street; nor shall any Structure, device or apparatus be-erected or Installed without the prior approval of the Architectural Control Co m mit t ee.

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).