

ISSUE #1

MARKUP #1 ->

L. Satellite Dishes

The requirements for the installation of Satellite Dishes are set forth in the Declaration.

M. HVAC, Pool Equipment, Garbage Containers, and Noise-generating Equipment Screening

HVAC machines and compressors, and any other mechanical or electrical devices, pool equipment, garbage containers, and any noise-generating equipment shall be enclosed by a structural screening element, constructed of materials approved by the ACC, or by fencing. If screening is by landscaping, materially complete screening will be accomplished with initial material installation. Screening is not required for gas risers, transformers, or telecom equipment boxes along the front of the Lot near the street.

N. Fences; Sidewalks

The materials, height, location and construction of all fences must be approved in advance by the ACC.

- Lot Fencing. Fencing of a Lot is required on the rear and on the sides up to the front of the AC unit, thereby fully enclosing the rear yard of each Lot. Fences must be a minimum of six feet (6') and a maximum of eight feet (8') in height and constructed of cedar wood, stained with earth tones, with a minimum picket size of 4"x1", metal posts, board-to-board or board-on-board construction with trim/cap. Masonry columns and walls are permitted, provided the materials are approved in advance by the ACC and are complementary to the materials used for the construction of the residence. If a retaining wall is on a Lot, the fence must be placed into sleeves in the retaining wall.
- Plans. Plans submitted for fences or walls must be drawn on an accurate copy of the site plan.
- Obstruction of Site-Lines Prohibited. No fence, wall or hedge or shrub planting that obstructs sight lines at elevations between three (3') and six (6') feet above the roadway shall be allowed on any corner Lot within the triangular area formed by the street right-of-way lines and a line connecting them at points ten (10') feet from the intersection of the street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of way lines, as extended. The same sight-line limitations apply to a Lot within ten (10') feet from the intersection of a street right-of-way line with the edge of a private driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight-lines.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. PARK PLACE (p. 12): 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:

PARK PLACE DESIGN GUIDELINES 4878-6641-8542v.6 68753-1 L. Satellite Dishes The requirements for the installation of Satellite Dishes are set forth in the Declaration. M. HVAC, Pool Equipment, Equipment Screening Garbage Containers, and Noise-generating HVAC machines and compressors, and any other mechanical or electrical devices, pool equipment, garbage containers, and any noise-generating equipment shall be enclosed by a structural screening element, constructed of materials approved by the ACC, or by fencing.

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).