

Section VIII - Sample Provision Excerpt (Public Preview)

Mechanical Equipment IX. Maintenance. X. Satellite Dishes SWEETWATER TOWNHOMES ARCHITECTURAL GUIDELINES AND REQUIREMENTS I. II. Intent. The intent of the Architectural Guidelines and Requirements is to establish criteria for the design of townhouses in Sweetwater Townhomes planned unit development.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VIII (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...

CURRENT WORDING IN DOCUMENT:

Mechanical Equipment IX. Maintenance. X. Satellite Dishes SWEETWATER TOWNHOMES ARCHITECTURAL GUIDELINES AND REQUIREMENTS I. II. Intent. The intent of the Architectural Guidelines and Requirements is to establish criteria for the design of townhouses in Sweetwater Townhomes planned unit development.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Mechanical Equipment IX. Maintenance. X. Satellite Dishes SWEETWATER TOWNHOMES ARCHITECTURAL GUIDELINES AND REQUIREMENTS I. II. Intent. The intent of the Architectural Guidelines and Requirements is to establish criteria for the design of townhouses in Sweetwater Townhomes planned unit development.