

qualify as Seasonal Religious Holiday Decorations and may impose time limits and other restrictions on the display of such decorations. This is addressed in Section 7.10 hereof.

Other displays: Non-religious displays in the entry area to an owner’s dwelling and all displays (religious or otherwise) outside of the entry area to an owner’s dwelling are addressed in [Section 7.10](#) hereof.

10.03 Propane Storage Tanks

All propane tanks in the Peninsula must be located within the setbacks and buried in the ground or be enclosed by a solid masonry wall built with the same masonry (as used on the main dwelling), and six (6) feet in height. An ornamental gate is to be used for entry. For purposes of safety, location(s) must be in accordance with the National Fire Protection Association code NFPA 58, Chapter 6, Annex I, Figure I.1(c): 10 feet minimum to the nearest line of adjoining property that can be built upon, 10 foot minimum from any source of ignition (such as central A/C compressor) and 10 foot minimum from any crawl space opening, window or exhaust fan.

ISSUE #1

10.04 Satellite Dishes

No satellite dishes or similar apparatus shall be placed on any dwelling in such a way that they are visible from the street. No huge ground satellite dishes shall be erected or installed. Small modern ground satellite dishes utilized by high-definition televisions shall not be placed on property without the prior written approval of the ACC. *(Mystic Shores DCCRs, Article 9, Section 9.4 (a), page 26 and (DCCRs for The Peninsula at Mystic Shores Unit 1, Article III, Section 3.13, page 7)*

10.05 Energy Generation Systems/Solar Panels and Screens
Wind Turbines, Windmills

No wind turbine, windmill or other wind-powered system shall be installed without the prior approval of the ACC. No wind turbine, windmill or other wind-powered system shall be installed on any lot less than ten (10) acres in size. Energy generation systems shall not produce more than 10 kilowatts at any given time of operation for on-site consumption. Towers for wind-powered systems shall not exceed forty (40) feet in height and must be placed in the rear yard with a setback of at least one (1) tower height from any property line. Roof-mounted systems must not extend more than five (5) feet above the highest point on the roof. Unused or abandoned wind-powered systems must be promptly removed. Documentation from the applicable utility company to certify that all specifications required to tie-in to the local utility system have been or will be met shall be supplied to the ACC prior to beginning construction.

Solar Panels and Solar Screens

No solar panels shall be erected, installed or placed on any lot or home without the prior approval of the ACC. Roof-mounted systems shall have no portion of the system visible from the street (viewed from the front of the residence) on which the residence is located, unless otherwise approved by the ACC based on consideration of State property code referenced calculation or the solar panel design, materials and proposed placement. For ground-mounted systems, the solar panel array and energy storage unit must be placed at the rear of the home, within the lot setback lines, and in an inconspicuous location. The

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10.04 (p. 33): 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:

Satellite Dishes No satellite dishes or similar apparatus shall be placed on any dwelling in such a way that they are visible from the street. No huge ground satellite dishes shall be erected or installed. Small modern ground satellite dishes utilized by high-definition televisions shall not be placed on property without the prior written approval of the ACC. (Mystic

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).