

Section 6.34 - Sample Provision Excerpt (Public Preview)

- Exterior Surfaces
- Building Lines/Setbacks/Retaining Walls
- Fences
- Signs
- Utilities
- Temporary Structures

ISSUE #1

- Garbage/Weeds/Vegetation
- Construction Completion Time
- Animals/Pets
- Antennas & Aerials
- Landscaping & Retaining Walls
- Exterior Lighting
- Tennis Courts
- Gazebos, Greenhouses & Storage Sheds
- Pools & Pool Equipment
- Intentionally Omitted
- Exterior...

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.34 (p. 4): 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:

Exterior Surfaces Building Lines/Setbacks/Retaining Walls Fences Signs Utilities Temporary Structures Vehicles Garbage/Weeds/Vegetation Construction Completion Time Animals/Pets Antennas & Aerials Landscaping & Retaining Walls Exterior Lighting Tennis Courts Gazebos, Greenhouses & Storage Sheds Pools & Pool Equipment Intentionally Omitted Exterior...

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).