

ISSUE #1

- No individual sewage disposal system (which is not part of the public sewage disposal system serving the entire Addition) shall be permitted in the Addition.
- (e) No air-conditioning apparatus shall be installed on the ground in front of a residence or on the roof of any residence (unless screened by the roof structure in a manner approved by the Developer or Committee, if formed). No air-conditioning apparatus or evaporative cooler shall be attached to any front wall or window of a residence.
- (f) Except with the prior written permission of the Developer or Committee (if formed), no antennas, dishes or other equipment for receiving or sending audio or video messages or transmissions shall be permitted in the Addition except antennas for private AM and FM radio reception and UHF and VHF television reception. ~~All antennas shall be located inside the attic of the residence and one satellite dish or other similar instrument or structure may be placed in the back yard of each lot so long as it does not exceed the maximum size of 18" x 20" and is completely screened from view from any street, alley, park or other public area.~~
- (g) All fences, walls, hedges or shrubs which obstruct sight lines at elevations between two (2) and six (6) feet above the roadway may be placed or permitted to remain on any corner lot as permitted by City Requirements.
- (h) Except for children's playhouses, dog houses, greenhouses, gazebos and buildings substantially concealed from view of any adjacent street in the addition (as approved by the Developer or Committee, if formed) for storage of lawn and pool maintenance equipment, no building previously constructed elsewhere shall be moved onto any lot, it being intended that only new construction be placed and erected thereon. Such items if moved onto the lot shall be substantially concealed from view of any adjacent street in the addition (as approved by the Developer or Committee, if formed).
- (i) Within platted easements on each lot, no permanent structures, paving (other than driveways, sidewalks and flatwork installed in compliance with all applicable codes and laws and the remaining provisions of this Section 4.4(i)), planting or materials shall be placed or permitted to remain which may damage or materially interfere with the installation, operation and maintenance of utilities or change, obstruct or retard the flow of water through or within drainage channels and/or easements.
- (j) After the Developer has developed the lots, the general grading, slope and drainage plan of a lot may not be altered, nor may any dams, berms, channels or swales be constructed or excavated, without the prior approval of Developer (or Committee, if formed), 'the City (if applicable) and other appropriate agencies having authority to grant such approval.
- (k) No sign of any kind shall be displayed to the public view on any lot except one (1) alarm monitoring sign of not more than one (1) square foot and one (1) sign of not more than five (5) square feet advertising the property for rent or sale, or signs used by Developer to advertise the Property or other Properties.
- Any such signs must conform to the requirements of Section 4.12 hereof (if applicable) and may not
- (i) describe the condition of the residence or lot,
 - (ii) describe, malign or refer to the reputation, character or building practices of Developer, Builder or any other lot owner, and
 - (iii) discourage or otherwise impact or attempt to impact anyone's decision to acquire a lot or residence in the Addition. Declarant, Developer, Association (if formed) or their respective agents shall have the right to remove all signs, billboards or other advertising structures including, without limitation, political or private sale (such as "garage" sale) signs, that do not comply with this Section 4.4(k), and in so

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 8 (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:

Except with the prior written permission of the Developer or Committee (if formed), no antennas, dishes or other equipment for receiving or sending audio or video messages or transmissions shall be permitted in the Addition except antennas for private AM and FM radio reception and UHF and

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).