

approved by the ACC. Specifications for and construction of all drain tiles, culverts in or over any drainage ditch, or driveway transitions to be installed in connection with a driveway or otherwise, must be approved by the ACC. The ACC shall determine all elevation and slope requirements for all driveways.

(h) Mailboxes. The ACC shall have the right to impose limitations on the location, design and materials of mailboxes or to require the use of community mailboxes rather than individual mailboxes, all subject to applicable U.S. Post Office regulations. A plan showing the location and design of all mailboxes and clustered mailbox systems must be approved by the ACC. Housing for mailboxes shall be consistent in materials and design with the entryway of Westminster Glen Phase I at City Park Road, as determined by the ACC in its discretion.

(j) Fences, Walls and Hedges.

- (i) Each Owner shall be required to erect and maintain a fenced enclosure for the keeping and maintaining of the domestic pets allowed pursuant to Section 4.1 hereof. Said enclosure shall be of reasonable design and construction to adequately contain such animals in accordance with the provisions hereof and shall confine such animals to the back yard of the Dwelling Unit only.
- (ii) No barbed wire or chain link fencing shall be allowed in the construction of any fence on the Property; however, chain linked fencing is allowed if utilized to enclose domestic pets in accordance with subsection (i) above, provided the fenced enclosure is erected within an approved fence and not visible from any street or visible from neighboring property. Any fence, wall, hedge or other similar Improvements must be included in the Development Plan with respect to location, height and type of material and must be approved in writing by the ACC. Fences and walls shall not obstruct the view from adjacent lots as determined in the discretion of the ACC.

(m) Towers and Antennas. No antenna or other service for the transmission or reception of television signals, radio signals or any other form of electromagnetic radiation shall be erected, used or maintained on any Lot, whether attached to a building or otherwise, without prior approval of the ACC. No radio signals, television signals, or any other form of electromagnetic radiation shall originate from any Lot which may unreasonably interfere with the reception of any television or radio signal on any other Lot. The ACC may allow antenna and dish receptors provided they are not visible from neighboring property or any

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

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MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.1 (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 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:

Towers and Antennas. No antenna or other service for the transmission or reception of television signals, radio signals or any other form of electromagnetic radiation shall be erected, used or maintained on any Lot, whether attached to a building or otherwise, without prior approval of the ACC.

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).

ISSUE #1