

	Requirements	Yes	No	Notes
17. Fencing	Submitted plans and plat plan?			Chain link not allowed e MARKU for small dog run in rear of property that cannot be seen from street or neighbor
	Types of post provided?			
	Spacing of post provided?			
	Wire type provided?			
	Does not exceed 56”?			
18. Swimming Pool	Plat showing location of pool and easements provided?			Above ground pools are not allowed!
	Is pool enclosed in fence plan?			
19. Propane Tank	Plan submitted showing location?			No above ground tanks allowed!
	In ground tank installed by gas company?			
20. Landscaping	Rock does not exceed 10% coverage?			
	AC equipment shielded from street view?			
	Drainage does not affect other lots?			
	90% vegetation or dirt?			
#1 21. Exterior Lighting	Not visible from street or adjoining lots?			Must conform to City of Bulverde Dark Sky Ordinance
22. Solar Energy Systems	Not visible from street or adjoining lots?			
23. Radio, Satellite & TV Dish	8’ max extended above roofline?			
	Satellite dish no larger than 20”?			
	Satellite dish location not on front of home?			
	Satellite dish must be at least 10’ from front wall of house.			
24. Athletic & Playground	Location & description of equipment provided?			All equipment has an 80’ setback requirement and 40’ from property lines No corrugated tin siding or roofing allowed
	Tennis court location provided and screened?			
	Placement of basketball goal provided?			

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 23 (p. 6): 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:
Radio, Satellite & TV Dish 8' max extended above roofline? Must conform to City of Bulverde Dark Sky Ordinance Satellite dish no larger than 20"? Satellite dish location not on front of home? Satellite dish must be at least 10' from front wall of house.

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).

NOTE: All slabs and extensions of driveways need to be platted and submitted to ACC for approval.

*All necessary permits must be acquired from
City of Bulverde and County of Comal*