

other play structures require submittal of an ACC Application and approval in writing before installation. One (1) tree swing is allowed in the front or rear yard but must compliment the home in design and be made of wood, or a black/dark color material. The supporting rope, chain or cable must be black or another dark color that blends with the tree.

13. Pool – Portable Children’s Pool

One plastic or inflatable children’s pool not to exceed a diameter of eight feet (8’) or a height of two feet (2’) is allowed in the rear yard only.

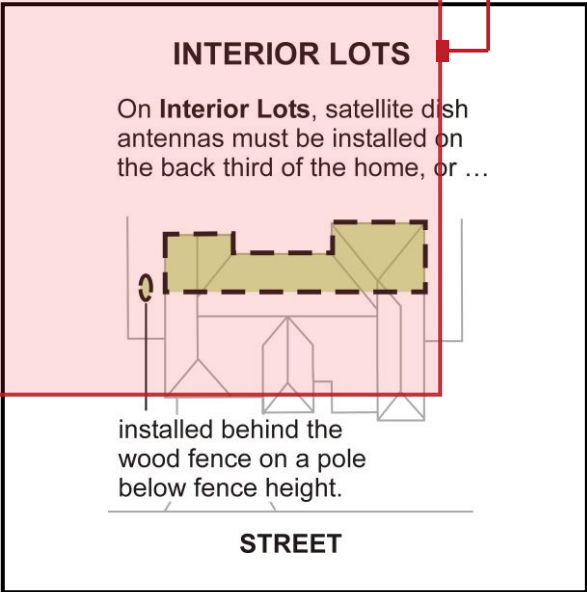
14. Potted Plants

- a. Pots must match, blend or compliment the color scheme of the home and must be planted with live plants. The number of pots that may be displayed are two (2) on the front entry steps and up to a maximum of four (4) pots on the front porch. Silk or other type of imitation flowers or plants are not acceptable, unless they are indistinguishable from the live flower or plant they are mimicking.
- b. Pots are not permitted on the grass, in planter areas (except for a maximum of two (2) pots partially buried with annuals/perennials to create a native design), along sidewalks, walkways or driveways (except that a potted plant may be located on either side of the front garage wall/columns but must not block the garage door(s)).
- c. There shall be no more than a maximum of six (6) potted plants visible from public view. Pots larger than two (2) square feet require ACC approval prior to installation.

15. Satellite Dish Antennas

- a. Satellite dish antennas that measure one (1) meter or less may be installed without prior approval if they are installed toward the rear of the home so that it is not easily visible from public view.

Please refer to diagrams to the right for approved locations for satellite dish



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 15 (p. 10): 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 Dish Antennas a. Satellite dish antennas that measure one (1) meter or less may be installed without prior approval if they are installed toward the rear of the home so that it is not easily visible from public view.

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