

TABLE OF CONTENTS

	Page Number
INTRODUCTION.....	2
Declaration Of Covenants And Restrictions.....	2
ARB Review Criteria.....	3
Amendments To The ARB Guidelines	4
Review Procedures	4
Appeal Of An ARB Decision	4
Enforcement Procedures	4
Property Owners' Association Act.....	4
Role Of The ARB	5
What Changes Must Have ARB Approval?	5
What To Include In An Application To The ARB	5
GUIDELINES	6
Fences - Single Family Homes	7
Fences - Townhomes	9
Greenhouses & Detached Solar Collectors.....	11
Major Exterior Changes.....	15
Patio And Decks	11
Recreation And Play Equipment.....	14
Storage Sheds.....	10
Storm And Screen Doors / Windows.....	12
Sun Control Devices	13
Swimming Pools	15
Window Muntins / Grills	13
MISCELLANEOUS	16
Antennas	16
Attic Ventilators.....	20
Beekeeping.....	17
Chimneys And Metal Flues	17
Clotheslines.....	20
Compost Piles	19
Dog Houses And Runs.....	17
Exterior Decorative Objects.....	17
Exterior Lighting, Decorative Lighting, Electronic Insect Traps	18
Exterior Painting	18
Exterior Unit Air Conditioners	20
Firewood	21
Flagpoles.....	19
Gutters And Down Spouts	20
In-Home Business.....	23
Landscaping And Vegetable Gardens.....	22
Mailboxes.....	20
Maintenance Guidelines.....	24
Permanent Grills	19
Property Signage.....	22
Sidewalks And Pathways.....	20
Solar Panels.....	22
Trash Cans	21
Tree Removal.....	23
Vehicles / Recreation Vehicles	21

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 2): 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:

Antennas 16 Attic
Ventilators.....

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).