

MARKUP #1 ->

County or other appropriate local government agency or authority; (vi) the activity is consistent with the residential nature of the Property and complies with local ordinances; (vii) no person is employed in such office or home business except for members of the Owner’s household residing on the Lot; and (viii) the Board of Directors approves such home business in writing. As a condition to such use, the Board may require the Owner to pay any increase in the rate of insurance, trash removal, utilities, or other costs for the Association or other Owners that may result from such use. Garage sales, yard sales, and similar activities shall only be conducted in accordance with the rules and regulations adopted by the Board of Directors¹.

~~8.05~~8.04. Garages and Structures.

(a) No garage built upon a Lot shall be converted into living space or to any other use inconsistent with the parking of vehicles.

(b) In accordance with Article VII of this Declaration, all Structures and alterations or improvements to them (other than interior alternations not affecting external appearance, must be approved in writing by the Covenants Committee. In reviewing an application for such a change, the Covenants Committee shall determine whether the proposed change is harmonious in terms of type, size, scale, form, color, and material with the existing architectural character of the neighborhood and the surrounding natural environment. No Structure shall be painted, stuccoed or surfaced with any material unless approved in writing by the Covenants Committee in accordance with objective, performance-oriented guidelines established by that Committee. Screens or parapets shall be used to organize and aesthetically shield mechanical equipment from public view.

(c) No satellite receiving systems or stations shall be maintained upon the Common Area ~~or upon any Lot without the prior written approval of the Covenants Committee~~ in accordance with Article VII of this Declaration. No exterior television, radio, or other communications antennae of any sort shall be erected or maintained on any Lot without the prior written approval of the Covenants Committee in accordance with Article VII of this Declaration.

~~8.06~~8.05. Screens and Fences. No fences shall be erected upon any Lot or the Common Area except for those fences erected with the prior written approval of the Covenants Committee in accordance with Article VII of this Declaration. Any fence or wall built on any Lot shall be maintained in good condition and repair in a manner consistent with the appearance of surrounding Lots.

~~8.07~~8.06. Outside Storage or Operations.

(a) No outside storage of lumber, metals or bulk materials of any kind, except approved Structures, shall be permitted unless such item is visually screened in a manner approved in writing by the Covenants Committee. No outside storage and operations shall extend above the top of any such screening.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VII (p. 21): 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:

of this Declaration. No exterior television, radio, or other communications antennae of any sort shall be erected or maintained on any Lot without the prior

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).

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