

ISSUE #1

MARKUP #1 ->

Section 2. Fences. No fence may be erected upon any Lot except behind a line describing the front margin of a dwelling unit, unless this restriction shall be waived by the Committee. The “front” shall be that side of a dwelling facing, or most nearly facing, a platted street, road or cul-de-sac.

Section 3. Trash Containers. Trash cans, barrels and containers must be maintained within screened bins. No plans and specifications will be approved without such screened bins.

Section 4. Antennas. No exterior or roof antennas of any kind or description may be erected or maintained on any Lot or dwelling house or other structure thereon.

Section 5. Maintenance of Trees. No living tree with a diameter greater than three inches upon any Lot of Common Area may be cut down without the prior express written permission of the Board or Committee. A landscape plan shall be submitted with the plans and specifications referred to above, such plan to show existing trees and shrubs and to clearly indicate those to be removed.

Section 6. Clothes Lines. The location of all clothes lines must be shown upon the plans and specifications submitted to the Board. No plans and specifications shall be approved which show the location of any clothes line other than in the rear of a dwelling house.

ARTICLE VIII
USE RESTRICTIONS

Section 1. Limitation on Use of Lots and Common Area. The Lots and Common Area shall be occupied and used as follows:

- (a) No Owner shall occupy or use his Lot, or permit the same or any part thereof to be occupied or used for any purpose other than as a private residence for the Owner and the Owner’s family or the Owner’s Lessees or guests.
- (b) There shall be no obstruction of the Common Area. Nothing shall be stored in the Common Area without the prior consent of the Association.
- (c) Nothing shall be done or kept in any Lot or the Common Area which will increase the rate of insurance on the Common Area, without the prior written consent of the Association. No Owner shall permit anything to be done or kept in his Lot or in the Common Area which will result in the cancellation of insurance on any Lot or any part of the Common Area, or which would be in violation of any law. No waste will be permitted in the Common Area.
- (d) No sign of any kind (including “For Sale” signs) shall be displayed to the public view on or from any Lot or the Common Area, except those used by Craig Builders of Albemarle, Inc. for construction and model home directions.
- (e) No animals, livestock or poultry of any kind shall be raised, bred, or kept in any Lot or in the Common Area, except that dogs, cats or other domesticated household pets may be kept on Lots, subject to rules and regulations adopted by the Association. No household pet shall be permitted off the Lot occupied by such pets’ Owner except on a leash.
- (f) No noxious or offensive activity shall be carried on in any Lot or in the Common Area, nor shall anything be done therein which may be or become an annoyance or nuisance to any other Owner.
- (g) Nothing shall be altered or constructed in or removed from the Common Area, except upon the written consent of the association.
- (h) There shall be no violation of rules for the use of the Common Area adopted by the Association.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4. (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:

Antennas. No exterior or roof antennas of any kind or description may be erected or maintained on any Lot or dwelling house or other structure thereon. Maintenance of Trees. No living tree with a diameter greater than three inches upon any

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).