

MARKUP #1 ->

Appointment to the Building Review Committee shall be for a term of three (3) years, and its members must be Ocean Grove lot owners and members of the Association.

The Building Review Committee intent is to encourage that all buildings receive quality workmanship and materials. In no event, however, will the Building Review Committee or the Board have any liability to any lot owner for any shortcoming in workmanship or materials in any construction carried out on any lot, regardless of such prior review and approval as may have been granted by the Building Review Committee. The ground floor area of the main structure, exclusive of one-story open porches, carports and garages, shall not be less than 800 square feet for a one-story dwelling, nor less than 600 square feet for the ground floor area of more than one a multi-story dwelling.

C. Setbacks. No building shall be located on any residential lot nearer than twenty (20) feet to the front lot line, nor nearer than ten (10) feet to any side street line, nor nearer than twenty-five (25) feet to the rear lot line, except a detached garage. No building shall be located nearer than five (5) feet to any side lot line. A detached garage may be located five (5) feet from the rear lot line except where the rear lot line abuts a street, in which case the front yard setback of twenty (20) feet or more will prevail, unless otherwise approved by the Building Review Committee.

D. Minimum Lot Size. No residential structure shall be erected or placed on any building lot which building lot has an area of less than 7,500 square feet or a width of less than seventy (70) feet at the front building setback line.

E. Business Uses of Lots. Trade, craft, business, profession, commercial or manufacturing enterprise, or business or commercial activity of any kind shall not be conducted or carried on upon any residential lot, which would result in signs, equipment, or additional traffic causing an annoyance or nuisance to the neighborhood. The Board shall make determinations of nuisance or annoyance when petitioned by affected Association neighbors.

F. Maintenance of Properties. The Association shall maintain the Common Areas. Each lot owner agrees to maintain his lot and the residence and any other structures located thereon in a neat, attractive, and clean condition.

No lot or tract shall be used as a dump for trash or rubbish of any kind. All garbage and other waste shall be kept in approved sanitary containers for proper disposal. Yard rakings such as rocks, dirt and other material as a result of landscaping shall not be dumped into public streets or ditches. The removal and disposal of all such materials shall be the sole responsibility of the individual lot owner. No unsightly conditions shall be permitted to exist on any lot. Unsightly conditions shall include, without limitation, litter, trash, junk or other debris; inappropriate broken, or damaged furniture or plants; non-decorative gear, equipment, cans, bottles, ladders, trash barrels and other such items.

No radio or television antennas shall be permitted to extend more than ten (10) feet above the roof line of any residence without written approval of the Building Review Committee. For the benefit of sky watchers and the residents who appreciate the solitude and rural nature of Ocean Grove, the installation of any high intensity dusk-to-dawn security light, which remains

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (p. 4): 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:

No radio or television antennas shall be permitted to extend more than ten (10) feet above the roof line of any residence without written approval of the Building Review Committee. For the benefit of sky watchers and the residents who appreciate the solitude and rural nature of Ocean Grove, the installation of any high intensity dusk-to-dawn security light, which remains continuously on, is prohibited.

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