the Developer shall coordinate the installation of the mailbox in a location to be determined by the US Postal Service.

5.13 Outbuildings and Accessory Structures. Other than a Dwelling Unit, shed, other structure or improvement approved in advance by the Review Board pursuant to Section 4.1, no structure of any kind, including, but not limited to, any shed, storage bins, gazebo, skateboard ramp, stable, barn or kennel shall be moved onto or constructed upon any Lot within the Subdivision. A shed or other structure may be allowed with prior written approval of the Review Board provided the structure is no more than 144 square feet, is constructed on a concrete foundation and is located a minimum of 15 feet from the side property line. The exterior material, colors and design shall be architecturally consistent with the Dwelling Unit on the Lot and the roof pitch must match the roof pitch of the Dwelling Unit. Accessory structures shall be located behind the Dwelling Unit, or in such a manner so as to minimize the visibility from the road in front or to the side of the Dwelling Unit. The Review Board may require landscaping around the accessory structure on a case-by-case basis. The Review Board shall review the Lot Owner's proposed landscaping around the accessory structure, which shall be consistent with the existing landscaping on the Lot. Accessory structures shall comply with all Village Ordinances or other applicable regulations.

MARKUP #1 ->

ISSUE #1

5.14 Antennas/Satellite Dishes. External antennas, satellite dishes, less than thirty (30) inches in diameter, and solar panels of any type or for any purpose may be installed and maintained on a Lot in the Subdivision only with the prior written approval of the Review Board and Village of Mukwonago, if necessary. In no event may any antenna, satellite dish or solar panel be installed so that it is visible from the street in front of the Dwelling Unit.

5.15 Signs. No sign shall be displayed to the public view except as follows:

(a) A sign placed on a Lot by a Lot Owner or the real estate agent of the Lot Owner advertising the property for sale. No such sign shall exceed 6 square feet in size.

(b) A sign erected on a Lot by a building/contractor of a dwelling unit in the Subdivision during the time the dwelling unit is under construction. No such sign shall exceed 6 square feet in size.

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 5.14 (p. 16): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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 (39.37 inches) 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. Under 47 C.F.R. § 1.4000(a)-(b), associations may only restrict installations on shared/general common elements, dishes exceeding 1 meter in diameter, or where necessary for a specific documented safety objective (§ 1.4000(b)(1)) or a National Register of Historic Places site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:
Antennas/Satellite Dishes. External antennas, satellite dishes, less than thirty (30) inches in diameter, and solar panels of any type or for any purpose may be installed and maintained on a Lot in the Subdivision only with the prior written approval of the Review Board and Village of Mukwonago, if necessary. In no event may any antenna, satellite dish or solar panel be installed so that it is visible from the street in front of the Dwelling Unit.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).