

Board may at its discretion delegate the duty to enforce this regulation to the Architectural Control Committee described in Article 5. Where Board consent is sought and obtained, the permitted signs will be erected and maintained in accordance with all ordinances, rules, regulations and conditions applicable thereto. “Signs” as used herein shall be construed and interpreted in the broadest possible sense and shall include any placard, posters or other such devices as may be affixed to the interior of any exterior windows so as to be visible from the exterior of the building.

4.16 Environmental Matters. Each Owner and Occupant shall comply with all applicable governmental or Association statutes, ordinances, regulations or rules relating to the storage, transport and release to, from, on or in such Lot of any substance or compound governed by any one or more of Wis. Stats. Chap. 144; CERCLA; TOCSA; RCRA; City of Kenosha ordinances and similar laws relating to the storage, transport or release of substances, compounds or recyclable materials.

4.17 Lots Abutting Golf Course. Nothing can be installed, erected, planted, otherwise attached to any Lot, Unit, or Outlot that is within twenty-five feet of any portion of the Golf Course without the written consent of the Golf Course Owner, which consent can be unreasonably withheld.

ISSUE #1

4.18 Antennas. No satellite dish for television or radio reception which is greater than 24” in diameter, and no outside antenna or aerial of any height or dimension shall be erected or installed on or in any roof of any building or any other portion of a Lot, except as erected or installed by Declarant.

4.19 Minimum Home Size Requirements. Only one single-family home may be Constructed on each Lot. The following types of homes on Lots in the Property shall have the following minimum sizes:

For all Lots in that portion of the Property known as “Outlot 15” in the Final Plat of Strawberry Creek (also identified as Neighborhood 1 in the Preliminary Plat of Subdivision):

<u>Home Type</u>	<u>Minimum Size</u>
One story	2000 Square Feet
One and one-half story	2500 Square Feet, with at least 1500 Square Feet on first floor
Two Story	2500 Square Feet, with at least 1500 Square Feet on first floor

For all other Lots in the Property:

<u>Home Type</u>	<u>Minimum Size</u>
One story	1800 Square Feet

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.18 (p. 16): 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 satellite dish for television or radio reception which is greater than 24” in diameter, and no outside antenna or aerial of any height or dimension shall be erected or installed on or in any roof of any building or any other portion of a Lot, except as erected or installed by Declarant.

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).