clubhouses, recreational facilities, trails, and greenspace. In no event shall this term be intended to include a private dwelling or public rights of way.

d. "Dwelling" or collectively "Dwellings" shall mean any residential structure constructed upon an individual lot.
e. "Lot" shall mean the individual lots enumerated in the Plat of the Cottages of Hidden Creek, Third Addition.
f. "Lot Owner" shall mean the individual(s) or entity holding right, title and interest in a Lot in the Plat.
g. "Outlot" shall mean any subdivided portion of land labeled as "outlot" in the Plat.
h. Plat shall mean the platting of The Cottages at Hidden Creek, Third Addition which represents all of Outlot 7 of the Plat of the Cottages of Hidden Creek, 1st Addition (Document Number 3026320, Brown County Records).
i. "Rules and Regulations" shall mean the Rules and Regulations of the Association that may be adopted and/or amended by the Association.

2. Land Use and Buildings: No Lot, excluding Outlots, whether alone or in combination with another Lot(s), shall be used for any purposes other than single family residential purposes in compliance with these covenants, excluding Lot 99 (previously known as Lot 31) which is common property intended for use as a clubhouse. No building erected elsewhere shall be moved onto any lot. All single-family homes shall have a full basement and shall be constructed on site.

3. With respect to Lots 110 through 148, the following minimum design and architectural standards shall apply:

a. The exterior surface of all Dwellings shall be covered with material as chosen by Declarant to ensure quality and continuity throughout the Plat. Alternate materials are permitted only with the prior written approval of the Declarant in the Declarant's sole discretion so long as the Declarant owns Lots within the Plat or in lieu of the Declarant, approval shall be obtained from the Association.
b. All Dwellings shall utilize only white colored trim, all windows shall be repaired or replaced with windows similar in size, share, configuration, and operability as originally construction.
c. Rear yard decks appurtenant to the Dwellings, if any, may not utilize wood decking material, wood side rails, or wood handrails. Only synthetic wood, ~~thermally modified wood, composite, stone, concrete, or brick may be utilized.~~

ISSUE #1

d. No satellite dishes shall be permitted on the front half of any Dwelling.
e. All roofing material must be architectural style shingles or standing seam metal roof.
f. All physically adjoining homes must have the same or complimentary exterior materials in color, material, and type. All exterior materials must be identical on each side of an adjoining home.
g. ~~No accessory structures, including but not limited to kennels, dog houses, sheds,~~ outbuildings, cages, coopers, sleeping quarters, child play structures, and fences of any kind shall be permitted other than those approved by the Association for the Common Property. No fences, except invisible dog fencing, may be located on any portion of a Lot. Privacy barriers of any kind shall be made of natural landscaping material only.
h. No pools are allowed on any Lot other than Lot 99, which was combined with Lot 31 of the Plat of Hidden Creek associated with the clubhouse.
i. Said Lots shall be members of and subject to the rules, regulations, and bylaws of the Hidden Creek Neighborhood Association.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

Sec. 3 (p. 2): 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:
d. No satellite dishes shall be permitted on the front half of any Dwelling. e. All roofing material must be architectural style shingles or standing seam metal roof. f. All physically adjoining homes must have the same or complimentary exterior materials in color, material, and type.

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), 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)).