

ISSUE #1

Pergola	Yes	C
Pet House	No**	D
Pet Run	No	C
Play Structure	No	C
Privacy Screen	No	C
Raised Garden Bed	No	C
Rebuild/Reconstruction	Yes	A
Retaining Wall	No**	C
Satellite Dish	No**	D
Screen Porch	Yes	B
Solar Panels	Yes	D
Storage Shed	Yes	D
Swimming Pool	Yes	C
Three- or Four-Season Room	Yes	A

* As permitting requirements are subject to change, the ACC recommends consulting with the City of Madison with regards to what does and does not require a building permit.

**May require approval/input from City Zoning

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 14): 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:

Satellite Dish No** D Screen Porch Yes B Solar Panels Yes D Storage Shed Yes D Swimming Pool Yes C Three- or Four-Season Room Yes A As permitting requirements are subject to change, the ACC recommends consulting with the City of Madison with regards to what does and does not require a building permit.

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).