

OFF: 16950
RE: 1151

conditions:

(b) One (1) "For Sale" or "For Rent" sign may be displayed under the following

(i) The sign may identify the property, the owner or agent, and the address and telephone number of the owner or agent relative to the premises upon which the sign is located;

(ii) The face surface of such sign shall not be larger than five (5) square feet, including any rider thereto;

(iii) All such signs shall be lettered professionally, but such signs shall not be required to be submitted to the Association for approval;

(iv) Such sign shall not be erected nor placed closer than five (5) feet from the front of the property line (as opposed to the adjacent street, if different);

(v) All such signs shall be erected on a temporary basis;

(vi) Such sign shall be kept in good repair and shall not be illuminated nor constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices;

(vii) Any such sign shall be removed within five (5) days from the date a binding agreement is entered into for the sale, lease or rental of the property or immediately upon the removal of the property from the market, whichever occurs first;

(viii) No sign shall be placed on any Common Areas.

7.7 Oil and Mining Operation. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in The Properties, nor on dedicated areas, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in The Properties. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained nor permitted upon any portion of the land subject to these restrictions. ALL PERSONS ARE REFERRED TO SECTION 15.11 WITH RESPECT TO CERTAIN ACTIVITIES OF DEVELOPER.

7.8 Pets, Livestock and Poultry. No animals, reptiles, wildlife, livestock nor poultry of any kind shall be raised, bred or kept on any Lot for any commercial purpose. Further, no animals nor pets of any kind shall be permitted to become a nuisance or annoyance to any neighbor by reason of barking or otherwise. No dogs nor other pets shall be permitted to have any excretions on any Common Areas, except areas designated by the Association, if any, and Owners shall be responsible to clean up any such excretions. ALL PETS SHALL BE KEPT ON A LEASH WHEN NOT IN THE APPLICABLE UNIT OR FULLY ENCLOSED IN REAR YARD. Pets shall also be subject to all applicable rules and regulations.

7.9 Visibility at Intersections. No obstruction to visibility at street intersections or Common Area intersections shall be permitted; provided that the Association shall not be liable in any manner to any person or entity, including Owners and Member's Permittees, for any damages, injuries or deaths arising from any violation of this Section.

7.10 Architectural Control. No building or other structure or improvement of any nature (including, but not limited to, pools, screen enclosures, patios or patio extensions, exterior paint or finish, awnings, antennae or satellite dishes, shutters, hurricane protection, decorative plaques or accessories, swales, asphaltting, sidewalk/driveway surfaces or treatments or other improvements or changes of any kind, even if not permanently affixed to the land or to other improvements) shall be erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure and landscaping or of the materials as may be required by the Architectural Control Board (which shall be a committee appointed by the Developer for so long as it owns any portion of The Properties, and thereafter, a committee appointed by the Board of Directors of the Association, absent such appointment the Board to serve in such capacity) have been approved, if at all, in writing by the Architectural Control Board and all necessary governmental permits are obtained. Fences, walls and similar improvements shall be governed by Section 7.14 below.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.10 (p. 10): 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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

finish, awnings, antennae or satellite dishes, shutters, hurricane protection, decorative plaques or accessories, swales, asphaltting, sidewalk/driveway surfaces or treatments or other improvements or changes

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 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