

MARKUP #1 ->

1.

Solar collectors may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south, where feasible, and where such placement does not impair the effective operation.
2.

For two story residences, it is preferable that the solar collectors be installed at the low roof, provided that the orientation and size of the low roof does not reduce the designed performance.
- B.

Requirements & Limitations:
1.

Solar Collectors and related equipment shall be located within the ORCA Building Envelope.
2.

Solar collectors shall be located to minimize visibility from the street/front property line to the maximum extent practicable, provided that any visibility limitation shall not be applied in a manner that prohibits installation or impairs the effective operation of the solar collectors under Fla. Stat. §163.04.
3.

Mounting hardware and exposed framework shall have a low-glare, non-reflective finish where commercially available.
- C.

Items required for ARC review:
1.

Roof Plan/Site Plan drawing (to scale)
- a.

Indicate the location, color and size of the equipment.
- b.

Indicate north and south orientation.
- c.

Provide a current photo of the residence, indicating where the equipment installation is proposed.
- d.

The equipment manufacturer's literature/specifications for the proposed product, including building code approvals.

XVI. MISCELLANEOUS RESTRICTIONS

- A.

Temporary storage containers visible from the parcel’s frontage or an adjacent parcel, a common area, or golf courses are not allowed without written approval from the ARC and/or ORCA. Additionally, temporary storage containers are subject to applicable ORCA setback and screening regulations.
- B.

Box type trucks, enclosed trailers and heavy equipment may be parked on job sites behind dark, non-graphic printed, fabric lined construction fence as long as active construction is underway, but they may not be parked in the street.
- C.

Mailboxes and their supporting structures shall be compatible, in color and construction, to the approved residence when individual mailboxes are installed should be a simple mailbox on a post or masonry similar to the home. Design should be "basic and functional" not a monument. Design must be submitted and approved by the ARC. Mailboxes must be maintained by the homeowner to ORCA standard.
- D.

All signs on commercial buildings will not exceed twelve and one-half (12.5) square feet. One building sign may be attached or hung on the building and one vinyl sign may be attached to the door or window of the building (two total).
- E.

Signage at Commercial and Retail buildings will retain its current criteria. All signs will be professionally installed and maintained.
- F.

Outdoor display and sales are prohibited unless approved by the ARC. The term Outdoor Display and Sales is defined as an area set outside of a building or structure, used for the display or sales of plants, produce, new or used merchandise or the supply of service.
- G.

Free standing towers and antennas must be approved by the ARC. TV satellite dishes with a diameter greater than four (4) feet are prohibited.
- H.

For condominium construction, there shall be an appointed owners' representative and a daily full-time construction manager required at the site. It is recommended the condominium association hold a meeting to notify the neighbors of the construction details.
- I.

~~The ARC shall consider artificial turf installation on a case-by-case basis. Owners should be aware that~~ turf installed near roadways may be subject to heat-related damage during future paving or resurfacing work. Any repairs will be the homeowner’s responsibility.
- J.

NON-RESIDENTIAL AND MULTIFAMILY PROPERTIES (other than properties owned by Ocean Reef Club, Inc.) are subject to the following building regulations and restrictions:
1.

Any project that exceeds the thirty-five (35) or thirty-eight (38) foot height limitations currently provided in the Monroe County Comprehensive Plan and Land Development Regulations will

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (p. 27): 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:

G. Free standing towers and antennas must be approved by the ARC. TV satellite dishes with a diameter greater than four (4) feet are prohibited. H. For condominium construction, there shall be an appointed owners' representative and a daily full-time construction manager required at the site. It is recommended the condominium association hold a meeting to notify the neighbors of the construction details.

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).