



MARKUP #1 ->

associated with the remodeling of dwellings and related improvements shall be by the Board of Trustees of the Association. Such plans and specifications shall be reviewed as to harmony of external design and location in relation to surrounding structures and topography in accordance with the requirements hereinafter set forth. Except as otherwise provided in the Declaration, in the event that the Board fails to approve or disapprove said plans and specifications (associated with the remodeling of a dwelling and related improvements) within thirty (30) days after submission, approval will not be required and this Article shall be deemed fully complied with.

5.2 General Requirements. The following requirements shall be applicable to the Properties:

5.2.1 General Conditions: Except for Lots designated as Common Area Lots, no building shall be erected, altered, placed or be permitted to remain on any Lot other than one detached single-family dwelling with a private garage suitable for parking not more than four (4) cars which is to be attached to the principal dwelling. Except for improvements constructed by the Declarant in connection with the development of the Property, no improvement of any kind shall be erected, altered, placed or permitted to remain on the Common Areas (including areas designated as "open-space easements"). Additionally, no improvement constructed by the Declarant in connection with the development of the Property shall be removed from the Common Areas (including areas designated as "openspace easements") without the prior written consent of the Declarant or the Association.

5.2.2 House Placement and Yard Grading: Residences shall conform to existing grade and drainage patterns. Existing grades at Lot lines shall not be altered more than one (1) foot without written consent. Each Lot Owner and/or Builder shall endeavor to retain as much of the natural woods as is practical.

5.2.3 Underground Houses and Log Houses: Underground and log structures are prohibited.

5.2.4 Driveways: All driveways shall be surfaced with concrete, asphalt or similar substance.

5.2.5 Water Discharge: Storm water must be disposed of in accordance with drainage plans established by the Declarant or the Association.

ISSUE #1

5.2.6 Radio and Television Antennas: All television and radio antennas, including CB radio antennas, must be enclosed within the residence located on the Lot. All satellite dishes are prohibited.

5.2.7 Air Conditioning and Heat Pump Equipment: Such equipment shall be located only in side or rear yards.

5.2.8 Awnings: No metal or plastic awnings for windows or doors may be erected or used. Canvas awnings may be used on any Lot subject to prior written approval of the Declarant or the Association.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.2.6 (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 (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:

Radio and Television Antennas: All television and radio antennas, including CB radio antennas, must be enclosed within the residence located on the Lot. All satellite dishes are prohibited.

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).